

ZONING REGULATIONS

A line drawing illustration of a city skyline. From left to right, it includes a small house with a chimney, a two-story commercial building with a storefront, a larger industrial-style building with a chimney, and a streetcar with an open umbrella.

April 27, 1994

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COMMUNITY DEVELOPMENT DEPARTMENT

OUR MISSION STATEMENT

Our mission is to serve all persons in a positive and courteous manner and help ensure that San Luis Obispo continues to be a healthy, safe, attractive, and enjoyable place to live, work, or visit. We help plan the City's form and character, support community values, preserve the environment, promote the wise use of resources, and protect public health and safety.

OUR SERVICE PHILOSOPHY

The City of San Luis Obispo Community Development Department staff provides high quality service when you need it. We will:

- ♦ Listen to understand your needs;
- ♦ Give clear, accurate and prompt answers to your questions;
- ♦ Explain how you can achieve your goals under the City's rules;
- ♦ Help resolve problems in an open, objective manner;
- ♦ Maintain high ethical standards; and
- ♦ Work to improve our service.

94 00764
These Zoning Regulations were adopted by City Council Ordinance No. 941 (1982 Series) and became effective January 7, 1983.

These Zoning Regulations, an extract of the City of San Luis Obispo Municipal Code, are provided for the general information of the public. Although carefully proofread, errors or omissions may occur.

This material is current as of the date of the latest amendment listed below. Additional amendments may have been adopted since that date which are not yet included. City planning staff can advise you of the most recent amendments, if any, as well as corrections made to the text.

AMENDMENTS

Ordinance No. 946 (1983 Series) - Amended Section 17.22.010 of the Zoning Regulations concerning the regulation of electronic game amusement centers, effective 3/13/83.

Ordinance No. 1004 (1984 Series) - Added Section 17.21 to the Zoning Regulations, relating to the regulation of second residential units, effective 3/6/84.

Ordinance No. 1006 (1984 Series) - Amended various sections of the Zoning Regulations, effective 3/21/84.

Ordinance No. 1008 (1984 Series) - Amended Section 17.22.010 of the Zoning Regulations concerning uses allowed in the C-N zone (CR 1122-A), effective 5/17/84.

Ordinance No. 1009 (1984 Series) - Amended Section 17.16.020 of the Zoning Regulations concerning intersection visibility, effective 5/17/84.

Ordinance No. 1016 (1984 Series) - Amended Section 17.36 of the Zoning Regulations concerning commercial uses in public schools (CR 1173), effective 8/16/84.

Ordinance No. 1023 (1984 Series) - Amended Section 17.42.020 of the Zoning Regulations concerning parking in the C-C zone (CR 1167), effective 11/1/84.

Ordinance No. 1034 (1985 Series) - Amended Section 17.21.030 of the Zoning Regulations establishing size limits for second residential units (SB 1160 and 1534), effective 3/21/85.

Ordinance No. 1050 (1985 Series) - Amended Section 17.42.020 of the Zoning Regulations regarding parking in the C-C zone (CR 1234), effective 1/16/86.

Ordinance No. 1058 (1986 Series) - Amended Section 17.22.010 of the Zoning Regulation regarding carwashes in the C-T zone (CR 1246), effective 5/1/86.

Ordinance No. 1074 (1986 Series) - Amended Section 17.42.020 of the Zoning Regulations regarding parking in the C-C zone (CR 1272), effective 10/19/86.

Ordinance No. 1085 (1987 Series) - Amended various sections of the Zoning Regulations. Minor miscellaneous revisions (CR 1284), effective 2/19/87.

Ordinance No. 1086 (1987 Series) - Amended Section 17.54 of the Zoning Regulations regarding historical preservation (CR 1250), effective 3/1/87.

Ordinance No. 1087 (1987 Series) - Amended Section 17.22.010 and 17.62.040 of the Zoning Regulations regarding large professional office buildings in the C-S or M zones (GP/CR 1299), effective 4/1/87.

Ordinance No. 1088 (1987 Series) - Amended Sections 17.22.010 and 17.34.020 of the Zoning Regulations regarding non-residential projects in the O zone (GP/CR 1299), effective 4/15/87.

Ordinance No. 1101 (1987 Series) - Amended Section 17.42.020 of the Zoning Regulations adjusting parking standards and establishing parking in-lieu fees for the central-commercial zone (CR 1234), effective 11/19/87.

Ordinance No. 1102 (1987 Series) - Amended various sections of the Zoning Regulations (CR 1307), effective 12/31/87.

Ordinance No. 1103 (1987 Series) - Amended Sections 17.04.371 and 17.22.010 of the Zoning Regulations regarding theaters in the C-N zone (GP/R 1324), effective 12/17/87.

Ordinance No. 1107 (1988 Series) - Added Section 17.16.110 to the Zoning Regulations concerning satellite dish antennas (CR 1307), effective 2/4/88.

Ordinance No. 1110 (1988 Series) - Amended Section 17.22.010 of the Zoning Regulations to allow churches, synagogues, and temples in the C-S zone (R 1347), effective 3/15/88.

Ordinance No. 1114 (1988 Series) - Suspended the implementation of a part of Ordinance No. 1102 relating parking standards to unit size (CR 1307), effective 3/15/88.

Ordinance No. 1120 (1988 Series) - Amended Sections 17.24 through 17.48 of the Zoning Regulations regarding maximum lot coverage allowed for churches, synagogues, and temples (R 1372), effective 8/2/88.

Ordinance No. 1122 (1988 Series) - Amended various sections of the Zoning Regulations concerning homeless shelters (CR 1383), effective 12/15/88.

Ordinance No. 1124 (1988 Series) - Amended various sections of the Zoning Regulations concerning concurrent sales of alcoholic beverages and motor fuel (CR 1402), effective 1/5/89.

Ordinance No. 1128 (1988 Series) - Amended various sections of the Zoning Regulations regarding electronic game amusement centers (CR 1402), effective 1/19/89.

Ordinance No. 1129 (1988 Series) - Amended Sections 17.50.010 and 17.62.040 of the Zoning Regulations regarding requirements for planned developments (R 1419), effective 2/2/89.

Ordinance No. 1154 (1989 Series) - Added Section 17.93 to the Zoning Regulations: High Occupancy Residential Use Regulations (R 1458), effective 2/14/90.

Ordinance No. 1157 (1989 Series) - Amended Section 17.22.010 of the Zoning Regulations to allow postal offices and services in the C-N zone (R 1460), effective 2/1/90.

Ordinance No. 1161 (1990 Series) - Amended the Zoning Regulations to allow non-profit theaters in the PF zone, subject to approval of a use permit by the Planning Commission (GP/R 1461), effective 3/8/90.

Ordinance No. 1180 (1990 Series) - Amended the Zoning Regulations to conditionally allow neighborhood grocery markets in the high-density residential (R-4) zone (R 1487), effective 12/20/90.

Ordinance No. 1182 (1990 Series) - Amended Section 17.22.020 of the Zoning Regulations to allow child day care centers in the Service Commercial (C-S) and Industrial (M) zones (R 1494), effective 1/3/91.

Ordinance No. 1210 (1992 Series) - Added Chapter 17.55 to the Zoning Regulations concerning the Mixed-Use Zone (CR 1538), effective 7/1/92.

Ordinance No. 1222 (1992 Series) - Amended Sections 17.22.010 and 17.16.060 of the Zoning Regulations concerning various retail uses in the C-N zone (R 27-92), effective 10/15/92.

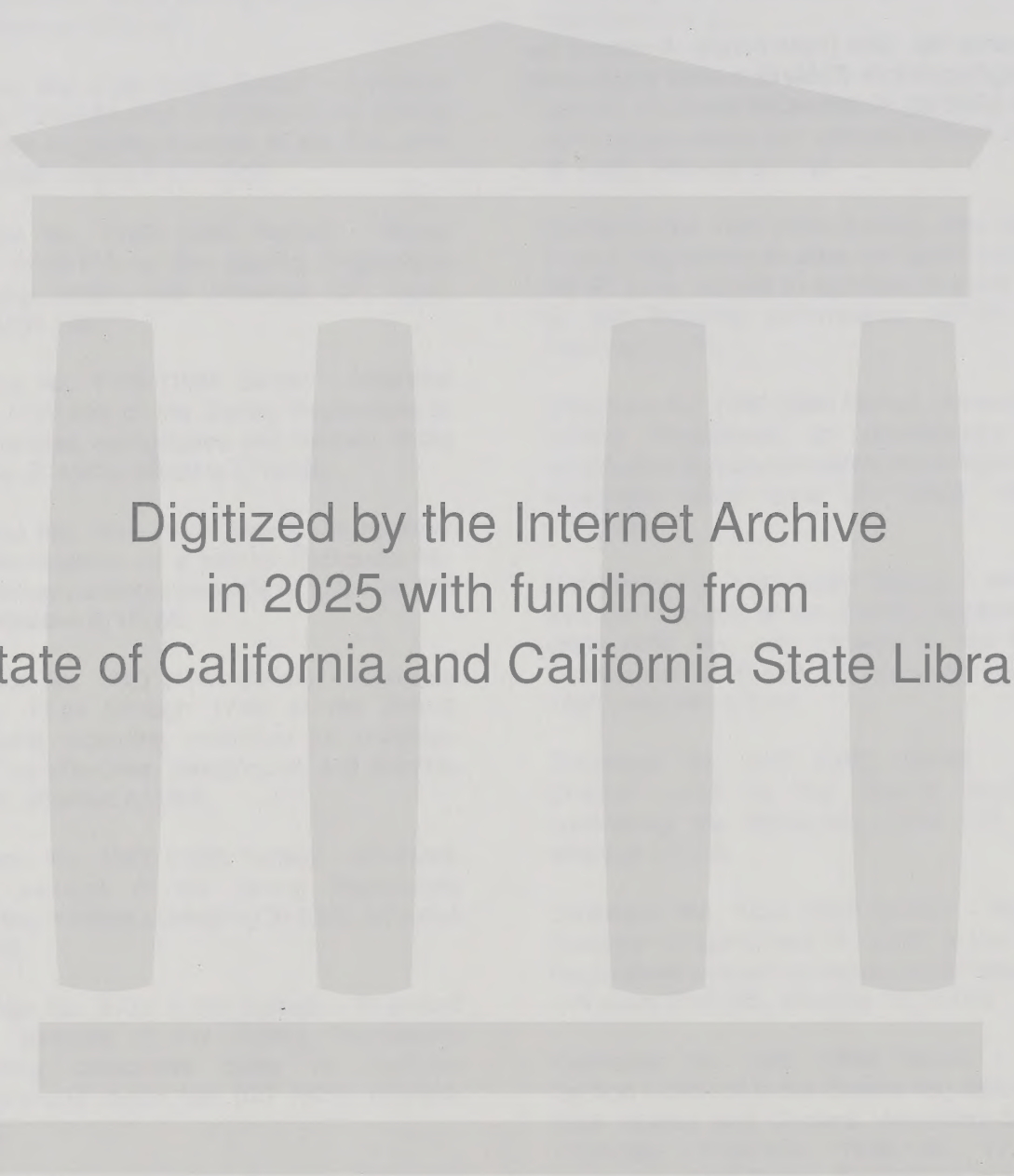
Ordinance No. 1225 (1992 Series) - Added Section 17.08.045 to the Zoning Regulations: Day Care Homes and Centers. Amended Sections 17.04.095, 17.04.150, 17.08.040, 17.16.060, 17.22.010 of the Zoning Regulations concerning regulation of day care facilities (R 132-92), effective 11/6/92.

Ordinance No. 1235 (1993 Series) Amended the Zoning Regulations Text (Table 9) to simplify processing, eliminate duplications, and clarify items (R 219-92, Phase 1), effective 7/1/93.

Ordinance No. 1248 (1993 Series) Amended the Zoning Regulations (Table 9) to allow utility offices and pay points in the Office and Public-Facilities zones (R 94-93). Effective 11/3/93.

Ordinance No. 1257 (1994 Series) Amended the Zoning Regulations (Table 9) to allow various uses in the C-N zone. Effective 4/15/94.

Ordinance No. 1258 (1994 Series) Amended the Zoning Regulations (Table 9) to allow video stores up to 3,000 sq. ft. in the C-N zone.



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- 17.84 Flood Damage Prevention Regulations
- 17.88 Residential Growth Management Regulations
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Chapter 17.02

GENERAL PROVISIONS

Sections:

17.02.010 Title.

17.02.020 Purpose.

17.02.030 General requirement.

17.02.040 Interpretation.

17.02.050 General plan consistency - Regulations interpretation and application.

17.02.010 Title.

This division shall be known and cited as the "zoning regulations of the city." (Ord. 941 - 1 (part), 1982: prior code - 9201.1)

17.02.020 Purpose.

These regulations are intended to guide the development of the city in an orderly manner, based on the adopted general plan, to protect and enhance the quality of the natural and built environment, and to promote the public health, safety and general welfare by regulating the use of land and buildings and the location and basic form of structures. (Ord. 941 - 1 (part), 1982: prior code - 9201.2)

17.02.030 General requirement.

Land or buildings may be used and structures may be erected or altered only in accordance with these regulations. (Ord. 941 - 1 (part), 1982: prior code - 9201.5)

17.02.040 Interpretation

A. Ambiguity. The director shall interpret these regulations, subject to the appeal procedures of Chapter 17.66. Written requests for interpretation shall be responded to in writing within ten days and shall become part of the permanent files of the community development department.

B. Zone District Boundaries.

1. Boundaries between zoning districts generally follow lot lines or their extensions, physical features, or contour lines, as noted on the official zoning map. Boundaries adjoining streets shall be assumed to follow the centerlines of streets if such location becomes an issue in the use of private property, as when a street is abandoned. Zones which meet a street centerline shall not be considered "adjacent."

2. The location of boundaries which are not readily determined by inspection of the official zone map shall be determined by the director.

C. Conflict with Public Provisions. These regulations are not intended to interfere with or annul any other law or regulation. Where these regulations impose a restriction different from any other law or regulation, the more restrictive shall apply.

D. Conflict with Private Provisions. These regulations are not intended to interfere with or annul any easement, covenant, or other agreement between private parties. Where these regulations impose a restriction different from a private agreement, the provisions which are more restrictive or which impose higher standards shall control. (Ord. 941 - 1 (part), 1982: prior code - 9204.5)

17.02.050 General plan consistency - Regulations interpretation and application.

The regulations codified in this title shall be interpreted and applied in a manner consistent with the general plan. (Ord. 941 - 1 (part), 1982: prior code - 9204.1)

Chapter 17.04

DEFINITIONS

Sections:

17.04.010 Generally.
17.04.020 Accessory.
17.04.030 Bed and Breakfast.
17.04.040 Block front.
17.04.050 Boardinghouse.
17.04.060 Building.
17.04.070 Carnival.
17.04.080 Convalescent hospital.
17.04.090 Corner lot.
17.04.100 Den (or family room, sewing room, loft or studio).
17.04.110 Director.
17.04.120 District.
17.04.130 Drive-through facility.
17.04.140 Dwelling.
17.04.150 Educational facilities.
17.04.160 Electronic game/electronic game amusement center.
17.04.170 Fair.
17.04.180 Festival (or carnival or fair).
17.04.190 Fraternity house (or sorority house).
17.04.200 General merchandise sales.
17.04.210 Grazing.
17.04.220 Gross floor area.
17.04.222 High Occupancy Residential Use
17.04.224 Homeless shelter.
17.04.230 Hospital.
17.04.240 Hotel (or motel).
17.04.250 Lodge.
17.04.260 Lot.
17.04.270 Motel.
17.04.275 Nightclub.
17.04.280 Nursery school.
17.04.290 Office.
17.04.300 Outdoor sales.
17.04.310 Overlay zone.
17.04.320 Private club (or lodge).
17.04.330 Rest home.
17.04.340 Residential care facility.
17.04.350 School.
17.04.360 Service station.
17.04.370 Setback line.
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17.04.380 Sorority.
17.04.390 Specific plan.
17.04.400 Street.
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17.04.430 Studio apartment.
17.04.450 Use.

17.04.460 Wholesale.

17.04.470 Zone (or district or zone district).

17.04.480 Additional terms defined - Where.

17.04.010 Generally.

Certain terms used in Division I of this title are defined in this chapter. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.020 Accessory.

"Accessory" means clearly subordinate or incidental and directly related to a permitted use or structure. "Accessory use" includes active or passive solar heating systems and cogeneration facilities. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.030 Bed and Breakfast.

See Section 17.04.240, Hotel. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.040 Block front.

"Block front" means all the properties fronting on one side of a street, between intersecting streets or a street and a railroad, waterway, cul-de-sac, or unsubdivided land. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.050 Boardinghouse.

"Boardinghouse" means a building or buildings, occupied by six or more individuals and where two or more rooms are rented or leased independently of each other and meals are prepared and provided as part of the lease arrangements, excluding fraternities and sororities. (Ord. 1102 - 1 Ex. A(1), 1987: Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.060 Building.

"Building" means any structure used or intended for sheltering or supporting any use or occupancy. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.070 Carnival.

See Section 17.04.180, Festival (or carnival or fair). (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.080 Convalescent hospital.

"Convalescent hospital" means a residential facility which

provides limited medical care, excluding acute medical care. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.090 Corner lot.

"Corner lot" means a lot with frontage on two streets which intersect at an angle of one hundred thirty-five degrees or less. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.095 Day Care.

See Section 17.08.045, Day Care Homes and Centers. (Ord. 1225, 1992 (part))

17.04.100 Den (or family room, sewing room, loft or studio).

"Den" (or "family room," "sewing room," "loft" or "studio") means a room which is open on at least one side, does not contain a wardrobe, closet or similar facility, and which is not designed for sleeping. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.110 Director.

"Director" means the director of the community development department, or someone designated by him to act on his behalf. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.120 District.

See Section 17.04.470, Zone (or district or zone district). (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.130 Drive-through facility.

"Drive-through facility" means one in which vehicles line up for service at definite spots and where customers are served without leaving their vehicles. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.140 Dwelling.

"Dwelling" means a building or mobile home on a permanent foundation with provisions for sleeping, cooking and sanitation, and with permanent connections to utilities, providing independent living space (see Section 17.16.010A for explanation of dwelling "units"). (Ord. 1006 - 1 (part), 1984: Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.150 Educational facilities.

"Educational facilities."

A. "Adult school," "business school" or "trade school" means a professional, recreational or vocational school providing a continuous program of instruction primarily for adults, as a business.

B. "College" means a facility providing a continuous academic program primarily for students seventeen years of age or older.

C. "Elementary school" means a facility providing a continuous program of instruction for students generally aged five through twelve.

D. "High school" means a facility providing a continuous program of instruction for students generally aged sixteen through eighteen.

E. "Junior high school" means a facility providing a continuous program of instruction for students generally aged thirteen through fifteen.

F. "Nursery school and preschool" see section 17.08.045, Day Care Homes and Centers. (Ord. 1225, 1992 (part))

17.04.160 Electronic game/electronic game amusement center.

"Electronic game" means a coin-operated machine or device offered to the public as a game or amusement, the object of which is to achieve a high or low score based on the skill of the player. "Electronic game amusement center" means any premises having thereon available four or more electronic games. See also Chapter 5.52, electronic game amusement centers. (Ord. 946 - 3, 1983: prior code - 9204.11 (part))

17.04.170 Fair.

See Section 17.04.180. Festival (or carnival or fair). (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.180 Festival (or carnival or fair).

"Festival" (or "carnival" or "fair") means a temporary public or commercial gathering where entertainment, food, crafts, and the like are offered for viewing or sale. Gatherings on public property under the sponsorship or control of the city are excluded. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.190 Fraternity house (or sorority house).

"Fraternity house" (or "sorority house") means a build-

ing or buildings occupied by six or more college or university students who are members of a social or educational association and/or where such an association holds gatherings. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.200 General merchandise sales.

"General merchandise sales" means the retail sales of two or more of the following types of merchandise, and includes the types of establishments popularly known as "department stores," "hardware stores," "variety stores," "drug stores" and "discount stores": apparel and accessories, cosmetics, household items, appliances, furniture and furnishings, auto parts and accessories, tools, garden supplies, toys, games, sporting goods, photographic supplies, jewelry, fabrics, notions, dishes and tableware, and similar consumer goods. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.210 Grazing.

"Grazing" means the keeping of hoofed animals where food grown on the premises is the principal food of the livestock. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.220 Gross floor area.

"Gross floor area" means the total area enclosed within a building, including closets, stairways, and utility and mechanical rooms, measured from the exterior face of the walls. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.222 High Occupancy Residential Use

A "High Occupancy Residential Use" is any dwelling other than a *residential care facility* as defined in section 17.04.340 of this code, in the R-1 or R-2 zones when the occupancy of the dwelling consists of six or more adults. (Ord. 1154 - 1 Ex. A (part), 1989)

17.04.224 Homeless shelter

"Homeless shelter" means a facility which regularly houses homeless people on an overnight basis, excluding shelters for people needing protection from domestic violence. (Ord. 1122 - 1 Ex. A (part), 1988)

17.04.230 Hospital.

"Hospital" means a facility housing and providing a full range of medical care, including acute care, for patients who require such care on the premises. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.240 Hotel (or motel).

"Hotel" (or "motel") means a building or group of buildings providing accommodations, with or without kitchens, primarily for the traveling public. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.250 Lodge.

See Section 17.04.320, Private club (or lodge). (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.260 Lot.

"Lot" means:

A. A parcel of real property with a distinct designation delineated on an approved survey map, tract map, or parcel map filed in the office of the county recorder and abutting at least one public street; or

B. A parcel of real property containing at least the area required for the zone district in which it is located, abutting at least one public street or other access approved by the council, and held under separate ownership from adjoining property. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.270 Motel.

See Section 17.04.240. Hotel (or motel). (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.275 Nightclub.

"Nightclub" means a bar, restaurant, coffee house or similar establishment where a dance floor or entertainment is provided. (Ord. 1006 - 1 (part), 1984: prior code - 9204.11 (part))

17.04.280 Nursery school.

See Section 17.04.150F, nursery school. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.290 Office.

"Office" means a business establishment or agency which renders personal, professional, business or governmental services, or performs administrative activities, including sales or repair, only as an accessory activity. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.300 Outdoor sales.

"Outdoor sales" means the sale of items regularly stored or displayed outside a building, where such items are visible from a public right-of-way or neighboring property. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.310 Overlay zone.

"Overlay zone" means a zone applied in combination with other zone districts in order to impose additional restrictions or to allow greater variety than is possible with the underlying zone. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.320 Private club (or lodge).

"Private club" (or "lodge") means a premises accommodating bona fide members and their guests only, for social, cultural or educational activities, and only incidentally used for gatherings of other than the club's members. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.330 Rest home.

"Rest home" means a residential facility for six or more elderly or infirm persons, all of whom are ambulatory and do not require confinement or regular nursing or medical care on the premises. (Ord. 941 - 1 (part), 1982: prior code 9204.11 (part))

17.04.340 Residential care facility.

"Residential care facility" means a premises on which a state-authorized, certified or licensed facility provides accommodations and care or supervision for children or adults requiring such accommodations as provided in the California Health and Safety Code. (Ord. 1102 - 1 Ex. A(2), 1987: Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.350 School.

See Section 17.04.150, Educational facilities. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.360 Service station.

"Service station" means any business where motor fuel is offered for retail sale, whether or not in conjunction with any other use(s). Service station includes the sale and installation of tires, batteries and automotive accessories; lubrications; and the testing, adjustment and repair of motor parts, brakes, tires and accessories. Service station does not include steam cleaning, mechanical car washing, tire recapping, body or chassis

repair or painting, or the sale, rental or storage of motor vehicles, trailers or other equipment. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.370 Setback line.

"Setback line" means an officially adopted line determining the extent of a future street or other public right-of-way. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.371 Shopping center.

"Shopping center" means a development consisting of at least five separate establishments with a minimum area of fifty thousand square feet, a site with a minimum of three hundred feet of frontage and shared common drives and off-street parking. (Ord. 1103 - 1 A(2), 1987: Ord. 1008 - 1, 1984)

17.04.380 Sorority.

See Section 17.04.190. Fraternity house (or sorority house). (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.390 Specific plan.

"Specific plan" means a plan for a designated area within the city, based on the general plan, but containing more detailed regulations and programs as provided in Section 65450 and following of the California Government Code. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.400 Street.

"Street" means a public right-of-way providing vehicular access to abutting property. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.410 Structure.

"Structure" means anything assembled or constructed on the ground, or attached to anything with a foundation on the ground. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.420 Studio.

See Section 17.04.100. Den (or family room, sewing room, loft, or studio). (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.430 Studio apartment.

"Studio apartment" means a one-room dwelling unit with not more than four hundred fifty square feet of gross floor area, designed for occupancy by not more than two people. The floor area in a loft is included as part of the gross floor area calculation. (Ord. 1085 - 1 Ex. A (part), 1987: Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.450 Use.

"Use" means the activity for which land or buildings are designed, occupied or maintained. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.460 Wholesale.

"Wholesale" means sales primarily for resale to others. (Ord. 941 - 1 (part), 1982 prior code - 9204.11 (part))

17.04.470 Zone (or district or zone district).

"Zone" (or "district" or "zone district") means an area of the city delineated on the official zoning map, designated by name or abbreviation as provided in the regulations codified in this division. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

17.04.480 Additional terms defined - Where.

Other items, particularly those relating to property development standards, are defined in the sections on standards themselves. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

Chapter 17.06

ZONES ESTABLISHED - ZONING MAP

Sections:

17.06.010 Designation of zones.

17.06.020 Areas within the city to be designated within a zone district - Zoning Map to be a part of these regulations.

17.06.010 Designation of zones.

For purpose of the regulations set out in this division, the following zones are created:

Residential Zones:

- R-1 Low-density residential
- R-2 Medium-density residential
- R-3 Medium-high-density residential
- R-4 High-density residential (includes former R-H zone)

Nonresidential Zones:

- C/OS Conservation/open space (formerly A/C)
- O Office (formerly PO)
- PF Public facility
- C-N Neighborhood-commercial
- C-C Central-commercial
- C-R Retail-commercial
- C-T Tourist-commercial
- C-S Service-commercial (formerly C-H)
- M Industrial

Overlay Zones:

- SP Specific plan
 - H Historical and architectural preservation
 - S Special considerations
 - PD Planned development
- (Ord. 941 - 1(part), 1982: prior code - 9201.3)

17.06.020 Areas within the city to be designated within a zone district - Zoning map to be a part of these regulations.

All areas within the city shall be designated within a zone district. The official zone map, which shall depict all duly adopted zone districts, is as much a part of these regulations as if it were fully contained in this document. The official zone map shall be maintained by and in the department of community development, and for convenience in more easily identifying zone boundaries may be divided into parts. (Ord. 941 - 1 (part), 1982: prior code - 9201.4)

Chapter 17.08

USES ALLOWED IN SEVERAL ZONES

Sections:

- 17.08.010 Temporary uses.
- 17.08.020 Mineral extraction.
- 17.08.030 Service stations.
- 17.08.040 Home occupations.
- 17.08.045 Day Care Homes and Centers
- 17.08.050 Public utilities.
- 17.08.060 Signs.
- 17.08.070 Cemeteries and mausoleums.
- 17.08.080 Vending machines.
- 17.08.090 Outdoor sales.
- 17.08.100 Concurrent sales of motor fuel and alcoholic beverages
- 17.08.110 Homeless shelters
- 17.08.120 Electronic game amusement centers

17.08.010 Temporary uses.

A. Purpose and Intent. The provisions codified in this chapter provide for certain temporary uses in addition to those listed in the zone district regulations. It establishes standards and procedures to assure that such uses are compatible with their surroundings and the intent of these regulations.

B. Real Estate Sales Office in Tract.

1. A temporary real estate sales office may be established in a residential development for the initial sale of property in that development, upon approval of an administrative use permit. Such an office may be located within a residence or a common or temporary building. If a temporary building is used, it shall be removed upon termination of the use.

2. Sales offices shall not be used for more than one year except that upon written approval of the director, they may be continued up to one additional year.

C. Mobile Home as Construction Office.

1. A mobile home may be used as a temporary office at a construction site for not more than six months upon written approval of the Chief Building Official subject to any conditions he deems necessary to protect health, safety, and welfare. Upon written request received prior to expiration, the use may be continued for six-month periods, not to exceed a total of eighteen months, by the Chief Building Official.

2. An administrative use permit is required to allow a mobile home as a temporary office when the mobile home is not located on the same property as the construction site. The same time limitations as stipulated above for an on-site mobile home would apply with approvals for extensions of the use made by the director. Also with the Chief Building Official's or director's approval, the mobile home may be occupied by a resident guard or caretaker, provided it is properly connected to city utilities or other safe means of waste disposal is assured.

D. Christmas Trees Sales. Upon written approval by the director, premises within non-residential zones may be used for the temporary sale of Christmas trees, subject to the following requirements and any other conditions that the director deems necessary:

1. Sales shall be limited to Christmas trees and related accessory items only;

2. Sales shall not be conducted before Thanksgiving or after December 26; and

3. Site shall be maintained in a neat and orderly manner at all times. All trees, sales equipment, temporary power poles, and other temporary structures shall be kept behind a ten-foot setback from all street rights-of-way and they shall be removed within ten days after the close of the sale.

4. A camper or trailer for overnight security may be parked on-site if kept more than 10 feet back from the street right-of-way.

5. Maximum sign area on-site shall not exceed 32 square feet. No bunting strips, banners, flags, whirlygigs, or other attention-getting devices shall be displayed on site.

6. Applicant shall post a refundable deposit of \$150.00 with the Community Development Department to assure site clean-up, if necessary. Deposit shall be made prior to occupying the site.

7. Fire extinguishers shall be provided within 75 feet of all points on-site (2A10B.C). Any trees sold for use in public facilities shall be flame-proofed with a state Fire Marshal-approved material by a state-licensed application.

8. Applicant shall obtain a city business license.

E. Parades, Carnivals, Fairs, Festivals. Upon approval of an administrative use permit, premises within non-residential zones may be used for parades, carnivals,

fairs or festivals, provided:

1. A permit for gathering in a public place as may be required by Section 12.20.010 and prior code Section 4260 (repealed by Ordinance 977) has been obtained;
2. All activities are conducted in conformance with the performance standards as set out in Chapter 17.18 of this code; and
3. Such uses shall not be conducted for more than seven consecutive days.

F. Mobile Home as Temporary Residence at Building Site. Upon written approval by the building official, a mobile home, trailer or recreational vehicle may be parked on a lot and occupied by the lot owner while he/she is building a dwelling on the lot for his/her own occupancy. The mobile home or vehicle shall be connected to the city sewer system or shall be self-contained, with disposal contracted for. Approval shall be for renewable six-month intervals, not to exceed a total of eighteen months.

G. Construction Activities. Construction and demolition, including fabrication of building components and other activities normally associated with property development and maintenance, may be conducted in any zone, provided they are pursued according to plans and procedures approved by the chief building official.

H. Educational Conferences. Student housing complexes normally occupied for part of the year may be used during their vacant periods for educational conferences provided an administrative use permit is approved by the director. The occupancy of such facilities during educational conferences shall not exceed the maximum established by any prior city approval for residential occupancy.

I. Other Temporary/Intermittent Uses. A temporary use is one which is established at a particular location for less than one year. An intermittent use is one which occurs no more than 60 days in a year and for no more than seven consecutive days, but which may continue from year-to-year. Upon approval of an administrative use permit, the director may approve temporary or intermittent uses which are compatible with their surroundings and otherwise consistent with the purposes of these regulations.

Temporary or intermittent retail sales shall be limited to the types of retail sales allowed by the location's zone.

In approving a use permit for a temporary or intermittent use, the director shall establish requirements for

parking and other facilities to serve the use. The director shall determine the extent to which any permanent parking and other facilities provided for permanent uses on the site may satisfy the requirements for the proposed use.

The director may refer the proposed use to the Planning Commission for action. (Ord. 1102 - 1 Ex. A(3) (part), 1987; Ord. 1085 - 1 Ex. A (part), 1987; Ord. 941 - 1 (part), 1982; prior code - 9202.1(A))

17.08.020 Mineral extraction.

Minerals, hydrocarbons, and soil may be removed in any zone, provided a use permit is approved by the planning commission. In addition to the requirements which the planning commission may impose for the activity itself, there may be requirements that the site be restored or rehabilitated in furtherance of the purposes of these regulations. (Grading carried out in conjunction with a construction project need not obtain use permit approval, but shall comply with the grading ordinance codified in Chapter 17.78.) (Ord. 941 - 1 (part), 1982; prior code - 9202.1(B))

17.08.030 Service stations.

Service stations are permitted as specified in the zone district regulations, subject to the following conditions:

A. Premises adjoining residential zones shall be screened from such zones by a six-foot-high landscaped visual barrier, subject to the limitations of Section 17.16.050, Fences, walls and hedges.

B. Street frontage between driveways shall have a low wall or other landscape barrier to prevent vehicles from being driven or parked on the sidewalk.

C. Bells or other sound signals shall be turned off between ten p.m. and seven a.m. if the station is adjacent to a residential zone.

D. Pump islands shall be located at least fifteen feet from any street right-of-way line or setback line, except that cantilevered roofs may extend to a point at least five feet from such lines.

E. Repair work shall be done and dismantled vehicles shall be stored inside a building or area screened so that it is not visible from off the premises. (See also Chapter 17.18, Performance Standards and Section 5.36.020, SERVICE STATIONS, Alcoholic beverages - Sale prohibited - Exceptions.) (Ord. 1085 - 1 Ex. A (part), 1987; Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982; prior code - 9202.1(C))

17.08.040 Home occupation.

A. Intent. The provisions set forth in this section are intended to allow the conduct of home enterprises which are incidental to and compatible with surrounding residential uses. A "home occupation" is gainful employment engaged in by the occupants of a dwelling.

B. Permit Required.

1. The conduct of home occupation requires the approval of a home occupation permit by the director, who may establish additional conditions to further the intent of this section. A permit is required when a person does business in his/her home. Home occupations may be conducted from dwellings located in residential zones or from dwellings located in commercial zones where dwellings are an allowed or conditionally allowed use.

A public notice shall be posted at the site of each proposed home occupation. If anyone informs the community development department of a question or objection concerning the proposed home occupation within five days of the posting, the director shall schedule a hearing for the application as provided for administrative use permits. If no questions or objections are received by the community development department within five days after posting, the director may issue the permit upon submission of all required information and without further notice or public hearing.

2. State licensed child day care centers for six or fewer children are exempt from home occupation regulations (see state Health and Safety Code, Section 1529.5).

C. General Requirements.

1. Home occupations shall not involve frequent customer access or have other characteristics which would reduce residents' enjoyment of their neighborhoods. The peace and quiet of residential areas shall be maintained.

2. Activities shall be conducted entirely within the dwelling unit or an enclosed accessory building, and shall not alter the appearance of such structures. (Horticultural activities may be conducted outdoors.)

3. There shall be no sales, rental or display on the premises.

4. There shall be no signs other than address and names of residents.

5. There shall be no advertising the home occupation by

street address except that street address may be included on business cards and business correspondence originating from the home.

6. No vehicle larger than a three-quarter-ton truck may be used in connection with a home occupation.

7. The home occupation shall not encroach on any required parking, yard or open space area.

8. Parking for vehicles used in connection with the home occupation shall be provided in addition to parking required for the residence.

9. Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities in amounts greater than normally provided for residential use.

10. No use shall create or cause noise, dust, vibration, smell, smoke, glare, or electrical interference, or other hazard or nuisance.

11. No employees other than residents of the dwelling shall be allowed. (Babysitters or domestic servants are not considered employees of a home occupation.)

12. Clients or customers shall not visit the home occupation between the hours of ten p.m. and seven a.m.

13. If the home occupation is to be conducted in rental property, the property owner's authorization for the proposed use shall be obtained.

D. Prohibited Uses. The following uses by their operation or nature may interfere with residential welfare and diminish the convenience intended for commercial zones, and therefore shall not be permitted as home occupations:

1. Automotive repair (body or mechanical), or detailing, upholstery or painting of automobiles.

2. Barber or beauty shop;

3. Carpentry or cabinet making;

4. Welding or machining;

5. Medical offices, clinics, laboratories;

6. Appliance, radio or television repair;

7. Print shop;

8. Gun or ammunition sales, including by mail order.

(Ord. 1102 - 1 Ex. A(4), 1987; Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.1(D))

17.08.045 Day Care Homes and Centers

A. Intent. The provisions set forth in this section are intended to enable child care opportunities throughout the city, to ensure that day care facilities will be compatible with residential uses, and to comply with Section 1597.30, et seq. of the Health and Safety Code of the State of California.

B. Definitions.

1. "Child day care facility" means a facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. "Child day care facility" includes family day care homes and day care centers.

2. "Family day care home" means a home which regularly provides nonmedical care, protection, supervision, and/or instruction of 12 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and includes the following:

a. "Small family day care home" means a home which provides family day care to six (6) or fewer children including children under the age of 10 who reside at the home.

b. "Large family day care home" means a home which provides family day care to 7 to 12 children, inclusive, including children under the age of 10 who reside in the home.

3. "Day care center" means any child day care facility other than a small or large family day care home, which regularly provides nonmedical care, protection, supervision, and/or instruction to 7 or more children, for periods of less than 24 hours, and includes nursery schools and preschools.

C. Permits Required.

1. Small family day care home. Small family day care homes are considered a residential use for purposes of zoning regulation. They may be established in all zones where dwellings are allowed. No use permit is required.

2. Large family day care home. The operation of a large family day care home requires Community Development Director approval of a day care permit, consistent with

the provisions of this section. Large family day care homes may be established in any zone where dwellings are allowed.

3. Day care center. Operation of a day care center requires an administrative use permit where not otherwise allowed or prohibited, consistent with Section 17.22.010 Uses Allowed by Zone and Section 17.58 Use Permits. Day care centers are subject to the performance standards outlined below in this section. When day care centers are accessory to another use requiring a permit, only one permit application need be filed and acted on. As accessory uses to schools and churches, and where an employer provides on-site child care to 12 or fewer children for the exclusive use of employees, they are allowed by right, providing the primary use meets City parking standards.

D. Day Care Permit.

1. Day care permits shall be required for large family day care homes only.

a. Noticing. Not less than 10 days prior to the Director's action to approve or deny a day care permit, mailed notice of the proposed use shall be given to all property owners within no more than a 100 foot radius of the exterior boundaries of the proposed large family day care home. If no questions or objections are received by the Community Development Department within ten days from the mailing of these notices, the Director may approve the day care permit request upon submission of all required information and without further notice or public hearing.

b. Public Hearing. No public hearing shall be required for day care permits unless requested in writing by the applicant or any other affected person.

c. Permit Approval. The Director is authorized to approve day care permits, subject to the appeal provisions of Chapter 17.66 of this Title. In accordance with California Health and Safety Code Section 1597.46(a)(3), the Director shall approve a day care permit when he or she determines that the proposed facility:

1. complies with all applicable provisions of the Fire Department regarding health and safety; and

2. complies with property development standards contained in Chapter 17.16 of this Title and with City sign regulations; and

3. has been issued a large family day care home license from the State of California, Department of Social

Services; and

4. will satisfy performance standards of this section relating to noise, traffic, parking, and spacing and concentration.

E. Performance standards for large family day care homes and day care centers.

1. Noise. The day care facility shall be subject to all applicable provisions of the Noise Ordinance (Chapter 9.12 of the San Luis Obispo Municipal Code). Where the day care facility is adjacent to housing in a residential zone, outdoor play shall be prohibited prior to 9:00 a.m.

2. Traffic. Designated delivery and pick-up areas shall not pose any traffic or safety hazards. Operators of day care homes and centers shall provide carpool matching services to all clients.

3. Parking. On-site parking must be provided at a ratio of one space per 300 square feet of the gross floor area devoted to day care use. Large family day care homes shall also provide 2 spaces for the residential use. See Section 17.16.060 of this Title.

4. Spacing and Concentration. Large family day care homes and day care centers, established after the effective date of this ordinance in a residential zone, must be located a minimum of 200 feet from the perimeter of properties containing existing day care facilities, except that large family day care homes and day care centers may be located closer to small family day care homes.

F. Exceptions. Nothing in this section shall prohibit applicants from requesting exceptions or variances from the strict interpretation of zoning regulations to the extent allowed by said regulations. The Director may authorize minor exceptions to performance standards upon finding that:

1. The modification is in accord with the intent and purpose of the zoning regulations, and consistent with City child care policy.

G. Nonconforming status. All large family day care homes and day care centers licensed by the State at the time of ordinance adoption shall be considered legal nonconforming uses, consistent with Chapter 17.10 of these regulations, except that nonconforming day care homes may not be changed to another nonconforming use.

(Ord. 1225, 1992)

17.08.050 Public utilities.

A. Distribution facilities may be located in any zone; provided, that equipment on the ground in residential zones shall be screened by landscaped visual barriers.

B. Transmission lines may be located in any zone, provided the route is approved by the planning commission.

C. Other unmanned public utility structures may be located in any zone, provided an administrative use permit is approved by the director. (Ord. 941 - 1 (part), 1982: prior code - 9202.1(E))

17.08.060 Signs.

Signs may be located in any zone subject to the limitations of the sign regulations. (Ord. 941 - 1 (part), 1982: prior code - 9202.1(F))

17.08.070 Cemeteries and mausoleums.

Upon approval of a use permit by the planning commission, cemeteries and mausoleums may be established in any zone. (Ord. 941 - 1 (part), 1982: prior code - 9202.1(G))

17.08.080 Vending machines.

A. A "vending machine" is a device which dispenses a product or service, either for sale or for free, and which is activated entirely by the receiver of the product or service, including ice machines, cigarette machines, food vending machines, and newspaper racks and the like. Vending machine does not include a motor fuel pump.

B. Indoor vending machines are accessory to allowed uses. Outdoor vending machines are allowed in all commercial ("C") zones.

1. Vending machines shall be located along the face of a building or against a structure designed to accommodate them;

2. They shall be visible from access drives or public streets;

3. They shall occupy not more than ten percent of the length of the wall facing the street or access drive, or twenty feet, whichever is less;

4. They shall not obstruct private pedestrian walkways; a minimum of forty-four inches shall be kept clear of obstructions, or more if pedestrian traffic volume warrants. They are not allowed on public sidewalks. (Ord.

17.08.090 Outdoor sales.

A. "Outdoor sales" means the business of selling outdoor items usually sold indoors, such as flower or vegetable stands, sales from vehicles, or swap-meets. Outdoor sales may be temporary, intermittent, or permanent. "Outdoorsales" do not include incidental outdoor displays of merchandise associated with a business occupying a building on the site, nor sale of things usually sold outdoors, such as building or landscape materials. (See also Chapter 5.16 - Solicitors and Peddlers and Chapter 5.48 - Sales on Streets and Sidewalks).

B. Outdoor sales require approval of a use permit. Where sale of a particular type of merchandise is allowed or allowed with administrative use permit approval, outdoor sale of that type of merchandise may be allowed upon approval of an administrative use permit. Where sale of a particular type of merchandise is allowed upon approval of a use permit by the Planning Commission, outdoor sale of that type of merchandise may be allowed upon approval of a use permit by the Planning Commission (see Section 17.22.010 - Uses Allowed by Zones).

C. Parking requirements, setbacks to sales or storage areas, safety and aesthetics screening and other development standards usually related to buildings shall be established by use permit approval. (Ord. 1102 - 1 Ex. A(3)(part), 1987)

17.08.100 Concurrent sales of motor fuel and alcoholic beverages.

Concurrent sales of alcoholic beverages other than beer and wine are prohibited. The concurrent sales of motor fuel and beer or wine at a single premises or retail outlet shall be subject to the following:

A. There shall be no sales of beer or wine for on-site consumption;

B. Beer and wine may be sold only in conjunction with selling groceries and other sundries and convenience items;

C. No concurrent-sales outlet shall be established within 1,000 feet of any other establishment selling or serving alcoholic beverages;

D. Sales of beer or wine between 4:00 p.m. and 10:00 a.m. are prohibited;

E. There shall be no advertisement or display of beer or

wine visible from off the premises;

F. Inside the premises, there shall be provided space for public-service posters concerning the effects of drunk driving, equal to at least the area devoted to advertising beer and wine;

G. No beer or wine shall be displayed within ten feet of the cash register;

H. No advertisement of beer or wine shall be displayed at motor fuel islands and no self-illuminating advertising for beer or wine shall be located on buildings or windows;

I. No sales of beer or wine shall be made from a drive-in window;

J. There shall be no sales or display of refrigerated beer or wine.

K. City landscaping standards shall be met.

L. Vapor-recovery devices for customer-service pumps shall be installed, in compliance with the specifications of the California Air Resources Board.

M. Applicant shall pay a fee, in an amount determined by resolution of the City Council, to cover costs of city inspection to assure compliance with these requirements. (Ord. 1124 - 1 Ex. A (part), 1988)

17.08.110 Homeless shelters

A. The shelter shall be operated by a responsible agency or organization, with experience in managing or providing social services.

B. The shelter shall provide at least one qualified on-site supervisor at all times, plus one additional supervisor for each ten occupants beyond twenty.

C. A use permit for a homeless shelter shall not be approved when another homeless shelter exists within one-half mile of the proposed site.

D. Nearby R-1 and R-2 neighborhoods shall be adequately buffered from potential impacts of the proposed shelter. (Ord. 1122 - 1 Ex. A(part), 1988)

17.08.120 Electronic game amusement centers

During the processing of the required use permit for an electronic game amusement center (see Section 17.04.160, Definitions), the appropriateness of the proposed location and possible land use conflicts created

by the use shall be evaluated.

All electronic game amusement centers (hereinafter referred to in this section as "centers") shall be licensed in accordance with Chapter 5.52 of this code and shall comply with the following requirements and restrictions:

A. Centers shall comply with all applicable laws and conditions of use permit approval;

B. No center shall be allowed:

1. Within one thousand feet of the exterior limits of any public or private elementary school, junior high school or high school;

2. Within five hundred feet of the exterior limits of a PF district or any district where residential use is the principal permitted use;

3. Within five hundred feet of the exterior limits of any premises whereon the principal business is the sale or consumption of alcoholic beverages, including, but not limited to, bars, taverns and liquor stores;

4. Within one thousand feet of the exterior limits of any other premises occupied by another center;

C. No person under eighteen years of age may enter, be or remain in a center during such time as the San Luis Coastal Unified School District is conducting its regular daytime education program;

D. Centers shall have at least one responsible adult supervisor on duty at all times, whose primary responsibility shall be supervision of electronic game play;

E. Noise attenuation measures shall be taken as required by conditions of use permit approval;

F. No person under eighteen years of age may play electronic games at a center located at a place of business where alcoholic beverages are sold, served or consumed;

G. Bicycle racks shall be provided within a reasonable distance of any center and shall provide at least one bicycle stall for each electronic game in the center.

H. Centers shall be closed from two a.m. to six a.m. and for such times as required by conditions of the use permit;

I. Adequate space shall be provided for each electronic game so as to allow its use without overcrowding;

J. Parking shall be as required by the use permit for a center. (Ord. 946 - 1 (part), 1983; prior code - 4953)

K. Facility and operation exceptions.

Exceptions to any of the requirements listed in this section may be considered during the use permit review process provided the following findings can be made:

1. The requested exception to the facility and operation requirements will not affect the ability of the electronic game amusement center to be compatible with surrounding land uses.

2. The requested exception to the facility and operation requirements will not encourage school-age children from frequenting the electronic game amusement center while the San Luis Coastal Unified School District is conducting its regular daytime education program.

3. The purpose and intent of the facility and operation requirements are still met with the approval of the requested exception. (Ord. 1128 - 1 Ex. (part), 1988)

Chapter 17.10

NONCONFORMING USES

Sections:

17.10.010 Intent.

17.10.020 Regulations.

17.10.010 Intent.

A nonconforming use is one which was legally established on the effective date of applicable sections of these regulations but which is not now an allowed or conditionally allowed use in the zone in which it is located. The intent of these regulations is to prevent the expansion of nonconforming uses, establish the circumstances under which they may be continued, and provide for their removal or change to a conforming use as soon as practical. (Ord. 941 - 1 (part), 1982: prior code - 9202.2(A))

17.10.020 Regulations.

A. Change of ownership, tenancy or management of a nonconforming use shall not affect its legal, nonconforming status.

B. A nonconforming use may be continued and a nonconforming use may be changed to another nonconforming use provided:

1. A nonconforming use which ceases for a continuous period of six months shall lose its nonconforming status and the premises on which the nonconforming use was located shall from then on be used for conforming uses.

2. A nonconforming use may be replaced with another; provided, that an administrative use permit is approved by the director. The director must find that the new use has similar or less severe impacts on its surroundings in terms of noise, traffic, parking demand, hours of operation and visual incompatibility. The applicant shall submit evidence of the date when the original nonconforming use was established.

C. A lot occupied by a nonconforming use may be further developed by the addition of conforming uses and structures, provided an administrative use permit is approved. (See Sections 17.58.020 through 17.58.080.) (Ord. 941 - 1 (part), 1982: prior code - 9202.2(B))

NONCONFORMING LOTS

Sections:

17.12.010 Intent.

17.12.020 Regulations.

17.12.010 Intent.

A lot having less area, width, depth or frontage than required by the subdivision regulations, as set forth in Title 16 of this code, for the zone in which it is located, but which was lawfully created prior to the effective date of regulations requiring such greater area or dimension, shall be considered a nonconforming lot. These regulations are intended to provide for the reasonable use of such nonconforming lots, consistent with other standards adopted to protect the public health, safety and general welfare. (Ord. 941 - 1 (part), 1982: prior code - 9202.3(A))

17.12.020 Regulations.

A. If a nonconforming lot has been held in common ownership with any contiguous property at any time since November 18, 1977, it may not be individually developed. The area within such a lot may be developed only after it has been merged with contiguous property, or otherwise resubdivided in conjunction with the contiguous property to create one or more conforming parcels or one parcel which more nearly conforms.

B. In an R-1 or R-2 zone, the merger or resubdivision requirement set forth in the first paragraph of this subsection shall not apply to a nonconforming lot and contiguous commonly owned property where each of the parcels has an area, width, depth and frontage equal to at least eighty percent (80%) of the minimum required in the Subdivision Regulations (Title 16 of this code).

C. If a nonconforming lot has not been held in common ownership with any contiguous property since November 18, 1977, it may be individually developed.

D. Development of a nonconforming lot shall require approval of an administrative use permit.

E. Property development standards shall apply to nonconforming lots, except that the density standards shall not prevent construction of a single dwelling unit where otherwise permitted by this chapter (see Section 17.16.010, Density). (Ord. 1102 - 1 Ex. A(5), 1987; Ord.

Chapter 17.14

NONCONFORMING STRUCTURES

Sections:

17.14.010 Intent.

17.14.020 Regulations.

17.14.010 Intent.

A structure which lawfully existed on the effective date of applicable sections of the ordinance codified in this division, but which does not comply with one or more of the property development standards for the zone in which it is located, is a "nonconforming structure." This chapter is intended to provide for the correction or removal of such structures as soon as practical. (Ord. 941 - 1 (part), 1982; prior code - 9202.4(A))

17.14.020 Regulations.

A. A nonconforming structure which is damaged to an extent of one-half or more of its replacement cost immediately prior to such damage may be restored only if made to conform.

B. Changes to interior partitions or other nonstructural improvements and repairs may be made to a nonconforming building to the extent of not more than one-half its replacement cost over any five-year period.

C. Subject to the valuation limit in subsection B of this section, structural elements may be modified where the chief building official determines such modification is immediately necessary to protect the health and safety of the public or occupants of the nonconforming structure or adjacent properties.

D. Replacement cost shall be determined by the chief building official, whose decision may be appealed to the council.

E. Exceptions to this chapter may be granted by the director for historic structures designated as such in any list or plan element adopted by the city.

F. Exceptions to this chapter may be granted to allow minor conforming additions to nonconforming structures occupied by conforming uses, subject to a finding of consistency with the intent of this chapter.

1. Additions of one hundred fifty square feet of gross floor area or less to single or duplex dwellings may be approved by the director without public hearing.

2. Other additions to residential structures and additions to nonresidential structures may be allowed upon approval of a use permit by the director.

3. The value of additions allowed pursuant to subdivisions 1 and 2 of this subsection shall be excluded from calculation of replacement cost of the nonconforming structure. (Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982; prior code - 9202.4(B))

Chapter 17.16

PROPERTY DEVELOPMENT STANDARDS

Sections:

- 17.16.005 Applicability of other provisions.
- 17.16.010 Density.
- 17.16.020 Yards.
- 17.16.030 Coverage.
- 17.16.040 Height.
- 17.16.050 Fences, walls and hedges.
- 17.16.060 Parking space requirements.
- 17.16.070 Parking and driveway design and exceptions.
- 17.16.080 Fire protection.
- 17.16.090 Screening of outdoor sales and storage.
- 17.16.100 Utility services.
- 17.16.110 Satellite dish antenna.

17.16.005 Applicability of other provisions.

A. Development of property within the city may be subject to provisions of this code not contained in this section or chapter, including, but not limited to, the following:

1. Fire prevention code, Chapter 15.08;
2. Building regulations, Chapter 15.04;
3. Demolition and moving of buildings, Chapter 15.36;
4. Subdivision regulations, Title 16;
5. Building setback line (plan line), Chapter 17.74;
6. Street right-of-way dedication and improvement, Chapter 17.76;
7. Excavation and grading, Chapter 17.78;
8. Architectural review commission, Chapter 2.48;
9. General plan amendment regulations, Chapter 17.80;
10. Sign regulations, Chapter 15.40;
11. Condominium development and conversion regulations, Chapter 17.82;
12. Flood damage prevention regulations, Chapter 17.84;
13. Downtown housing conversion permits, Chapter 17.86;
14. Growth management regulations, Chapter 17.88;
15. Resource deficiency, Chapter 2.44;
16. Environmental review guidelines, adopted by council Resolution 3919-1979.

B. Where provisions of this chapter conflict with provisions of other applicable laws, the more restrictive provision shall prevail. (Ord. 1006 - 1 (part), 1984: prior code - 9202.5(A))

17.16.010 Density.

A. Determination of Allowed Development.

1. "Density" is the number of the dwelling units per net acre. In the C/OS and R-1 zones, each dwelling counts as one unit. In the other zones, different size dwellings have unit values as follows:

- a. Studio apartment, 0.50 unit;
- b. One-bedroom dwelling, 0.66 unit;
- c. Two-bedroom dwelling, 1.00 unit;
- d. Three-bedroom dwelling, 1.50 units;
- e. Dwelling with four or more bedrooms, 2.00 units.

2. The following procedure shall be used to determine the maximum development allowed on a given lot or land area:

a. Determine the Average Cross-slope of the Site. "Average cross slope" is the ratio, expressed as a percentage of the difference in elevation to the horizontal distance between two points on the perimeter of the area for which slope is being determined. The line along which slope is measure shall run essentially perpendicular to the contours.

i. Where a site does not slope uniformly, average cross slope is to be determined by proportional weighting of the cross slopes of uniformly sloping subareas, as determined by the city engineer.

ii. Cross-slope determinations shall be based on the natural topography of the site, before grading.

iii. Slopes calculated to the nearest 0.5 percent shall be rounded up.

iv. No slope-rated density reduction is required in the C/OS, C-R, C-C or PF zones.

v. The maximum development allowed for each average cross-slope category is as follows:

TABLE 1
MAXIMUM RESIDENTIAL DENSITY FOR
CROSS-SLOPE CATEGORIES

% Average Cross Slope	Maximum Density (units per net acre)			
	R-1	R-2,O C-N,C-T	R-3	R-4
0 -15	7	12	18	24
16 -20	4	6	9	12
21 -25	2	4	6	8
26 +	1	2	3	4

By approving an administrative use permit, the director may grant exceptions to the reduction of density with slope where the parcel in question is essentially surrounded by development at least as dense as the proposed development. The exception shall not authorize density greater than allowed for the category of less than fifteen percent slope for the appropriate zone. (See also Section 17.12.020D, Nonconforming Lots - Regulations.)

b. Determine the Net Area of the Site. "Net area" includes all the area within the property lines of the development site minus street right-of-way dedicated to the city. Net area includes the area occupied by allowed nonresidential uses.

c. Multiply the resulting area (in whole and fractional acres) by the maximum density allowed (in units per acre) according to the table in subsection A.1.a. of this section.

d. The resulting number (in dwelling units, carried out to the nearest one-hundredth unit) will be the maximum residential development potential. Any combination of dwelling types and numbers may be developed, so long as their combined unit values do not exceed the maximum potential.

B. Density Transfer.

1. Development potential may be transferred within the area covered by a planned development (PD) zone, in conformance with the requirements of Chapter 17.50.

2. Where a portion of a lot is within a zone or zones that allow residential use and the rest of the lot is in a C/OS zone, and the portion within the C/OS zone is not large enough to allow one dwelling, the fractional dwelling unit potential from the C/OS zone may be transferred to the other portion of the lot, without planned development rezoning.

C. Density Averaging. Where portions of a lot are within two or more different zones that allow different maximum densities, and any portion is not of the size required for a lot in that zone, density may be averaged over the whole lot, with each portion contributing to the overall maximum development potential in proportion to its area and maximum allowed density.

D. Density Bonus for Low-income and Moderate-income Housing. Pursuant to California Government Code Section 65915, the city may negotiate a density bonus or other benefits in exchange for provision of housing affordable to households with low or moderate income, as defined in the Government Code. (Ord.

1085 - 1 Ex. A (part), 1987; Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(B))

17.16.020 Yards.

A. Definitions and Purpose.

1. A "yard" is an area along a property line within which no structures, parking spaces or parking backup spaces may be located, except as otherwise provided in these regulations. Yards are intended to help determine the pattern of building masses and open areas within neighborhoods. They also provide separation between combustible materials in neighboring buildings. Yards are further intended to help provide air circulation, views and exposure to sunlight for both natural illumination and use of solar energy.

2. These regulations provide for two types of yards:

a. "Street yard" means a yard adjacent to a local street, state highway, or adopted setback line. Frontages on Highway 101 are not street yards.

b. An "other yard" is any yard other than a street yard.

B. Measurement of Yards.

1. Street yards shall be measured from the right-of-way line or adopted setback line to the nearest point of the wall of any building.

2. Other yards shall be measured from the property line to the nearest point of the wall of any building.

3. The height of a building in relation to yard standards is the vertical distance from the ground to the top of the roof, measured at a point which is a specific distance from the property line. Height measurements shall be based on the natural topography of the site, before grading.

C. Yard Standards.

1. Street yards shall comply with the following:

**TABLE 2
MINIMUM STREET YARDS**

Zone	Minimum Street Yard
R-1	20 feet
R-2	20 feet
R-3	15 feet
R-4	15 feet
C/OS	20 feet
O	15 feet
PF	As provided in zone of adjacent lot*
C-N	10 feet
C-C	As provided in zone of adjacent lot*
C-R	As provided in zone of adjacent lot*
C-T	10 feet
C-S	See Chapter 17.46
M	See Chapter 17.48

*If the zone of adjacent lot does not have its own standard, no street yard is required. Lots separated by streets or other rights-of-way are not considered adjacent. If more than one zone is adjacent, the largest yard shall be required.

2. Other yards shall comply with the following:

**TABLE 3
MINIMUM OTHER YARDS IN
R-1 AND R-2 ZONES**

Maximum Building Height*	Minimum Required Yard**
A point this high on the roof of a building:	Must be at least this far from the property line:
(feet)	(feet)
1 -12	5.0 (min.in R-1 & R-2)
13	5.5
14 -15	6.0
16 -17	7.0
18 -19	8.0
20	8.5
21 -22	9.0
23 -24	10.0
25	10.5
26	11.0
27	11.5
28	12.0
29	12.5
30 -31	13.0
32	13.5
33	14.0
34	14.5
35	15.0

*Building heights shall be rounded to the nearest whole foot.

**Yards shall be rounded to the nearest 0.5 foot.

**TABLE 4
MINIMUM OTHER YARDS IN
R-3, R-4, O AND C-N ZONES**

Maximum Building Height*	Minimum Required Yard**
A point this high on the roof of a building:	Must be at least this far from the property line:
(feet)	(feet)
1 -13	5 (min. yard)
14 -15	5.5
16 -17	6
18 -20	6.5
21 -22	7
23 -24	7.5
25 -26	8
27 -29	8.5
30 -31	9
32 -33	9.5
34 -35 (max. height)	10

*Building heights shall be rounded to the nearest whole foot.

**Yards shall be rounded to the nearest 0.5 foot.

**TABLE 5
MINIMUM OTHER YARDS
IN C/OS, PF, C-C, C-R, C-T,
C-S AND M ZONES**

Zone	Minimum Other Yard
C/OS	20 feet
PF	As provided in zone of adjacent lot*
C-C	As provided in zone of adjacent lot*
C-R	As provided in zone of adjacent lot*
C-T	As provided in zone of adjacent lot*
C-S	See Chapter 17.46
M	See Chapter 17.48

*If the zone of adjacent lot does not have its own standard, no yard is required. Lots separated by streets or other rights-of-way are not considered adjacent. If more than one zone is adjacent, the largest yard shall be required.

3. All yards shall be landscaped or maintained in an orderly manner.

D. What may Occupy Yards.

1. **Utility Structures.** Components of public utility systems may be located within street yards when approved by the architectural review commission.

2. **Fences, Walls and Hedges.** Fences, walls and hedges may occupy yards to the extent provided in Section 17.16.050. (Vegetation may be controlled by the California Solar Shade Control Act.)

3. **Signs.** Signs in conformance with the sign regulations codified in Chapter 15.40 may occupy yards to the extent provided in those regulations.

4. **Architectural Features.** The following and similar architectural features may extend into a required yard no more than thirty inches:

a. Cornices, canopies, eaves, buttresses, chimneys, solar collectors, shading louvers, reflectors, water heater enclosures, and bay or other projecting windows that do not include usable floor space (Figure 1).

b. Fire escapes, uncovered balconies, uncovered porches, or unenclosed outside stairways and landings may extend into the required yard not more than four feet or one-half the required yard distance, whichever is less. (Figure 2)

c. Decks, planters and similar features less than thirty inches above grade may be located within the required yards.

5. **Trash Enclosures.** Trash enclosures which have been approved by the architectural review commission may be located within a required yard, provided no part of the enclosure is less than three feet from any right-of-way or adopted setback line.

6. **Unenclosed Parking Spaces in Other Yards.** Unenclosed parking spaces and parking aisles may be located within other yards.

7. **Unenclosed. Tandem Parking Spaces.** For single dwellings where tandem parking is provided pursuant to the parking standards, one unenclosed space may be located within the street yard.

8. **Enclosed Parking Spaces in Street Yard Prohibited.** In no case may an enclosed parking space from which vehicles exit directly onto the street be located less than twenty feet from the street right-of-way or setback line.

In a flag lot subdivision, this setback requirement shall apply to the access roadway.

E. **Exception To Yard Requirements.** These regulations provide two general types of exceptions to the yard requirements: first, those which the property is entitled to because of physical circumstances, and second, those which the city may approve upon request and subject to certain discretionary criteria.

1. Exceptions Property May Be Entitled To.

a. **Street Yards on Corner Lots Recorded Before April 1, 1965.** On corner lots in the R-1 and R-2 zones, recorded before April 1, 1965, the street yard along the lot frontage having the longer dimension shall be not less than ten feet, as in Figure 3.

b. **Street Yards on Corner Lots Where Each Corner Lot has Its Longer Frontage Along the Cross Street.** In the R-1 and R-2 zones, when each corner lot on a cross street has its longer frontage along the cross street, as in Figure 4, the street yard along the longest frontage shall be not less than ten feet.

c. **Street Yard Averaging (developed areas).** Where these regulations require street yards and where buildings have been erected on at least one-half of the lots in a block as of the effective date of the regulations codified in this section, the minimum required street yard shall be the average of the street yards of the developed lots, but in no case less than ten feet nor more than would otherwise be required.

2. Discretionary Exceptions.

a. **Reduced Street Yards.** Upon approval of a use permit, the director may allow street yards of not less than ten feet.

b. **Variable Street Yards in Subdivisions.** In new residential subdivisions, the entity approving the subdivision may approve variable street yards, to be noted on the approved map, provided the average of the yards on a block is at least fifteen feet and no yard is less than ten feet.

c. **Variable Other Yards In Subdivisions.** In new residential subdivisions, the entity approving the subdivision map may approve exceptions to the other yard standards, with the exceptions to be noted on the map, provided a separation of at least ten feet between buildings on adjacent lots will be maintained and an acceptable level of solar exposure will be guaranteed by alternative yard requirements or private easements.

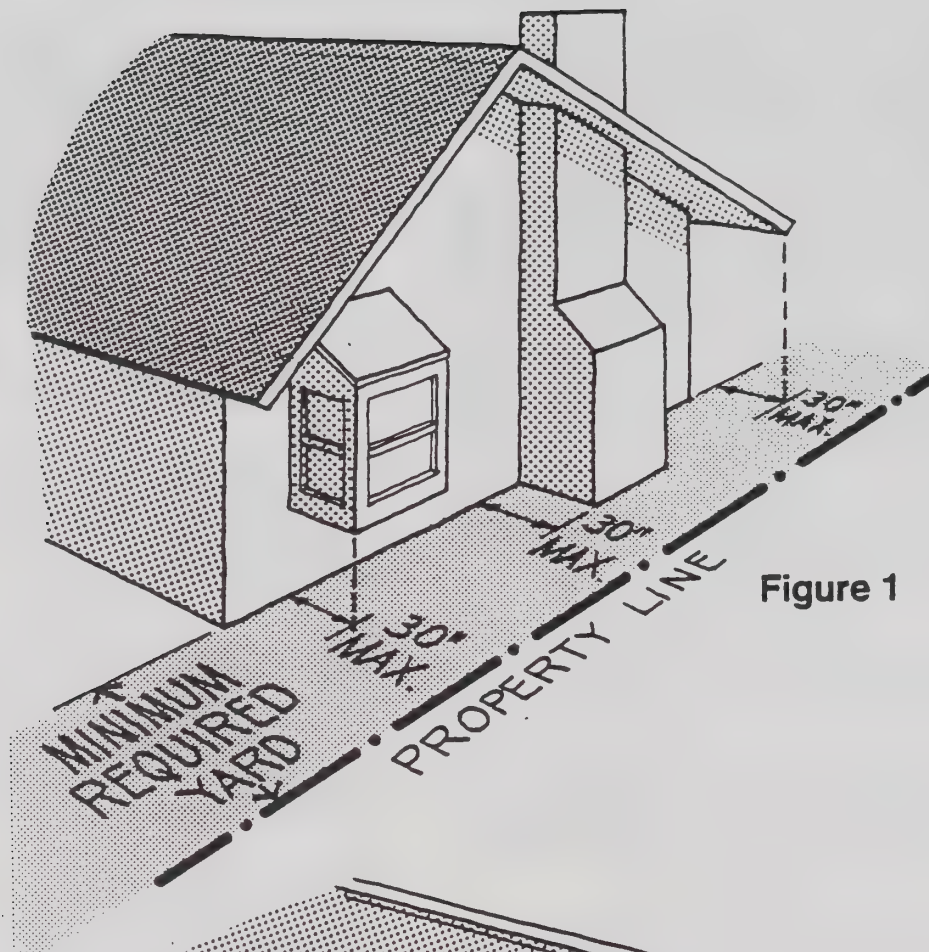


Figure 1

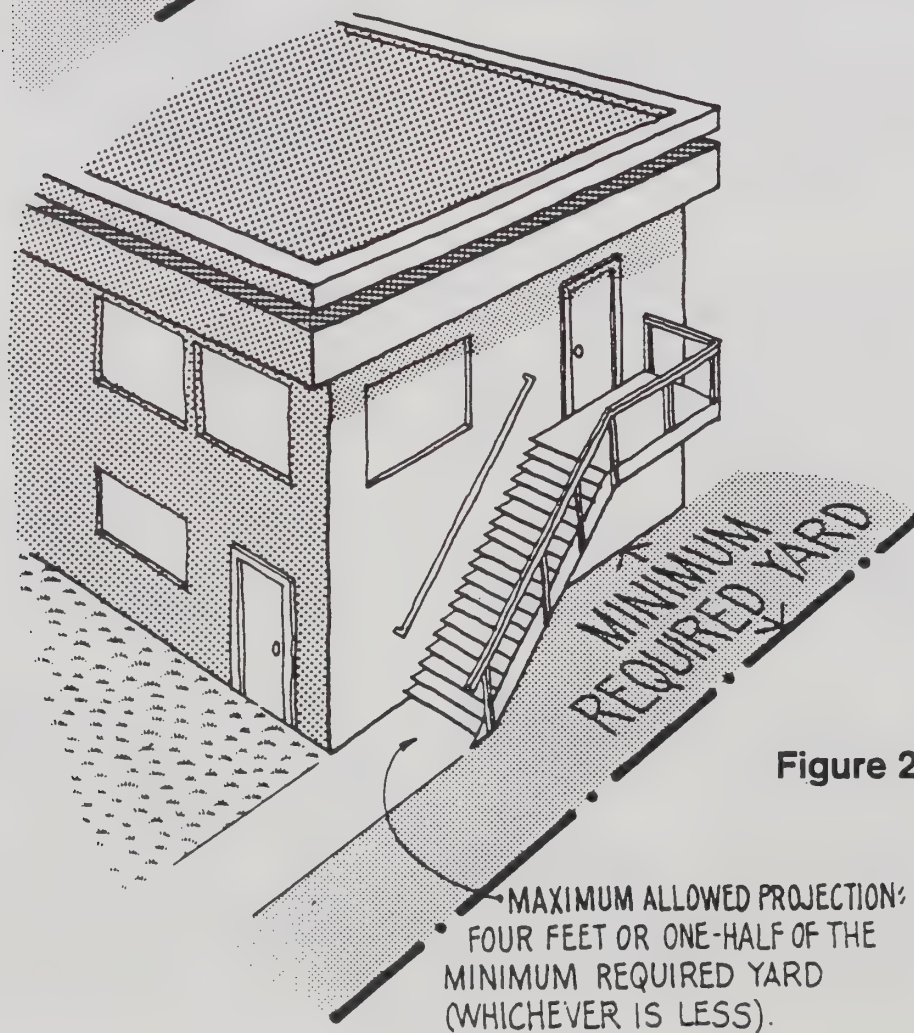


Figure 2

Figure 3

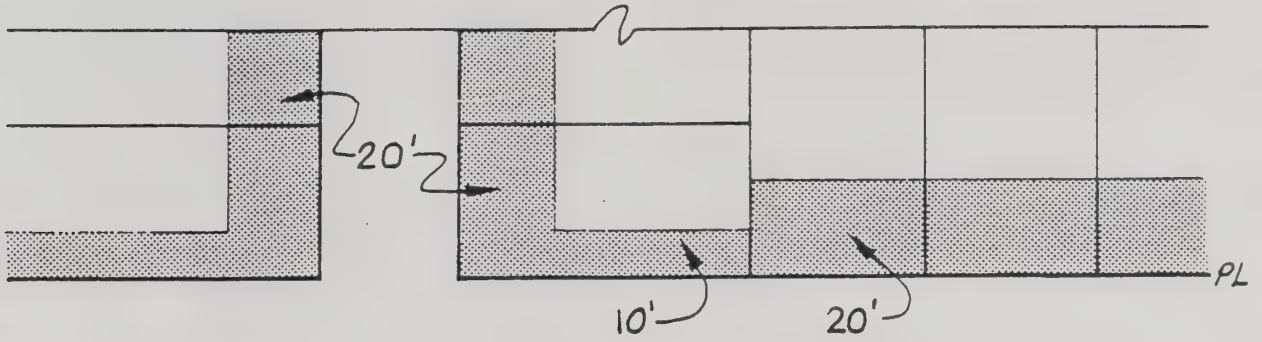


Figure 4

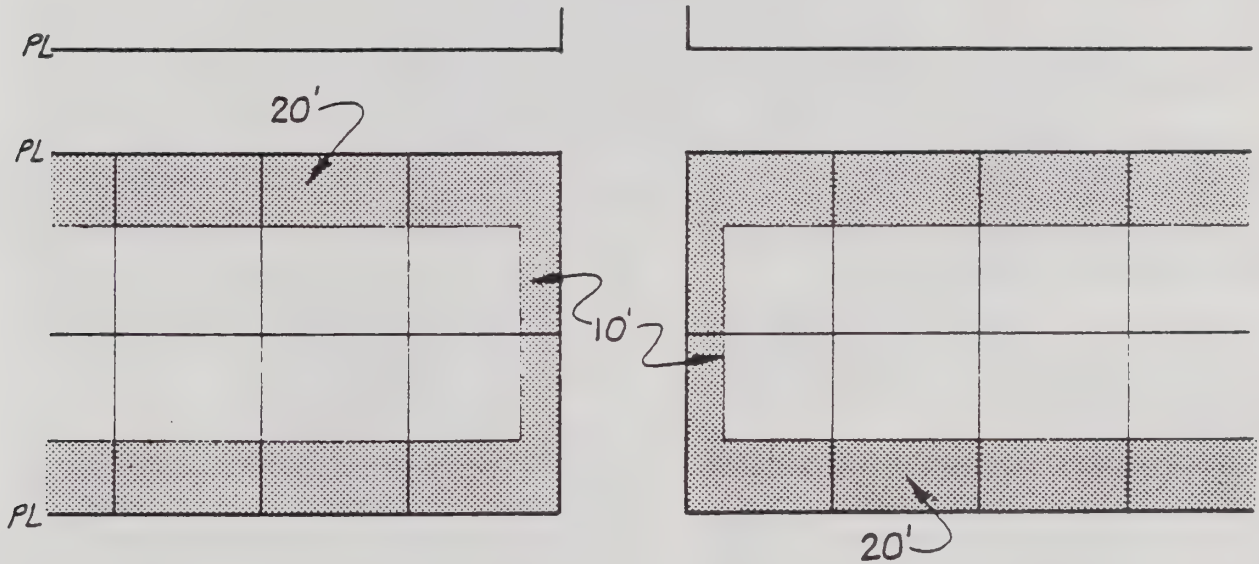
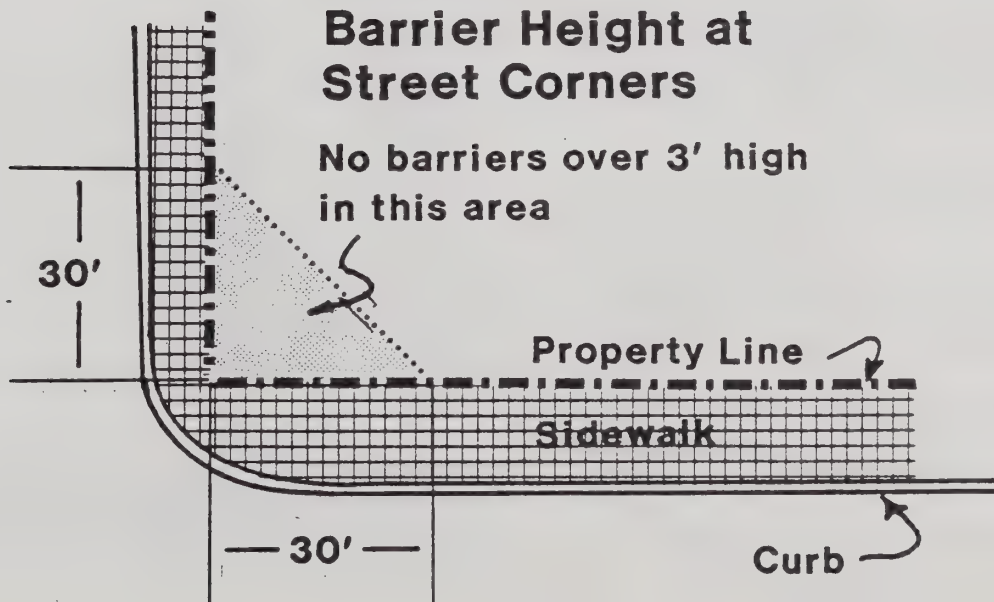


Figure 8

Barrier Height at Street Corners

No barriers over 3' high in this area



d. Other Yard Variations in Previously Subdivided Areas. Upon approval of a use permit, the director may allow other yards to be reduced to zero under either of the following circumstances:

i. When there exists adequate recorded agreement running with the land to maintain at least ten feet of separation between buildings on adjacent parcels; or

ii. When the reduction is for a minor addition to an existing legal structure which is non-conforming with regard to yard requirements and provided that the director makes the following findings:

-that the minor addition is a logical extension of the existing non-conforming structure;

-that no useful purpose would be realized by requiring the full yard; and

-that no significant fire protection, emergency access, privacy or security impacts are likely from the addition;

-that it is impractical to obtain a ten-foot separation easement pursuant to subsection "i" above.

All such additions shall comply with applicable provisions of Title 15, Building and Construction Regulations, of this code (see also Chapter 17.14, Non-conforming structures).

e. Other Yard Building Height Exceptions. Upon approval of a use permit, the director may allow exceptions to the standards provided in Tables 3, 4, and 5 of subsection C2 of this section. Such exceptions may be granted in any of the following and similar circumstances:

i. When the property that will be shaded by the excepted development will not be developed or will not be deprived of reasonable solar exposure, considering its topography and zoning;

ii. When the exception is of a minor nature, involving an insignificant portion of total available solar exposure;

iii. When the properties at issue are within an area where use of solar energy is generally infeasible because of landform shading;

iv. When adequate recorded agreement running with the land exists to protect established solar collectors and probable collector locations;

v. When the property to be shaded is a street.

f. Intersection Visibility. At the intersections not controlled by a stop sign or traffic signal, no plant, structure or other solid object over three feet high which would obstruct visibility may be located within the area indicated in Figure 8. At controlled intersections, the city engineer may determine visibility requirements for proper sight distance. (Note: Yard requirements may also be modified by variance, Chapter 17.60; planned development, Chapter 17.62; specific plan, Chapter 17.52; or special consideration zone, Chapter 17.56.) (Ord. 1102 - Ex. A(7), (8), 1987; Ord. 1085 - 1 Ex. A (part), 1987; Ord. 1009 - 1, 1984; Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(C))

17.16.030 Coverage.

A. Definition. "Coverage" means the area of a lot covered by structures, including accessory structures, expressed as a percentage of the total lot area. Any part of a deck, balcony, or eave which is less than thirty inches from the ground shall not be included in the determination of coverage. Portions of such structures which are more than thirty inches from the ground shall be included in the determination of coverage only if they are more than thirty inches from a building wall; otherwise they shall not be included. (See Figures 5 and 6.) (Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(D))

B. Application and Exception. Maximum coverage shall be as provided in the specific property development standards for the various zones in Chapters 17.24 through 17.56 inclusive, except that the Planning Commission may grant exceptions to maximum coverage for churches, synagogues, temples, etc., in any zone, subject to approval of a use permit.

17.16.040 Height.

The height of a building is the vertical distance from the average level of the ground under the building to the topmost point of the roof. The average level of the ground is determined by adding the elevation of the lowest point of the part of the lot covered by the building to the elevation of the highest point of the part of the lot covered by the building, and dividing by two. (See Figure 7.) Height measurements shall be based on natural topography of the site, before grading.

See also Section 17.16.020 for relationship of yards and building height.

Components of solar energy systems, chimneys, screened mechanical equipment, vents, antennae and steeples shall extend not more than ten feet above the maximum building height.

ACCESSORY BLDG.

Figure 5

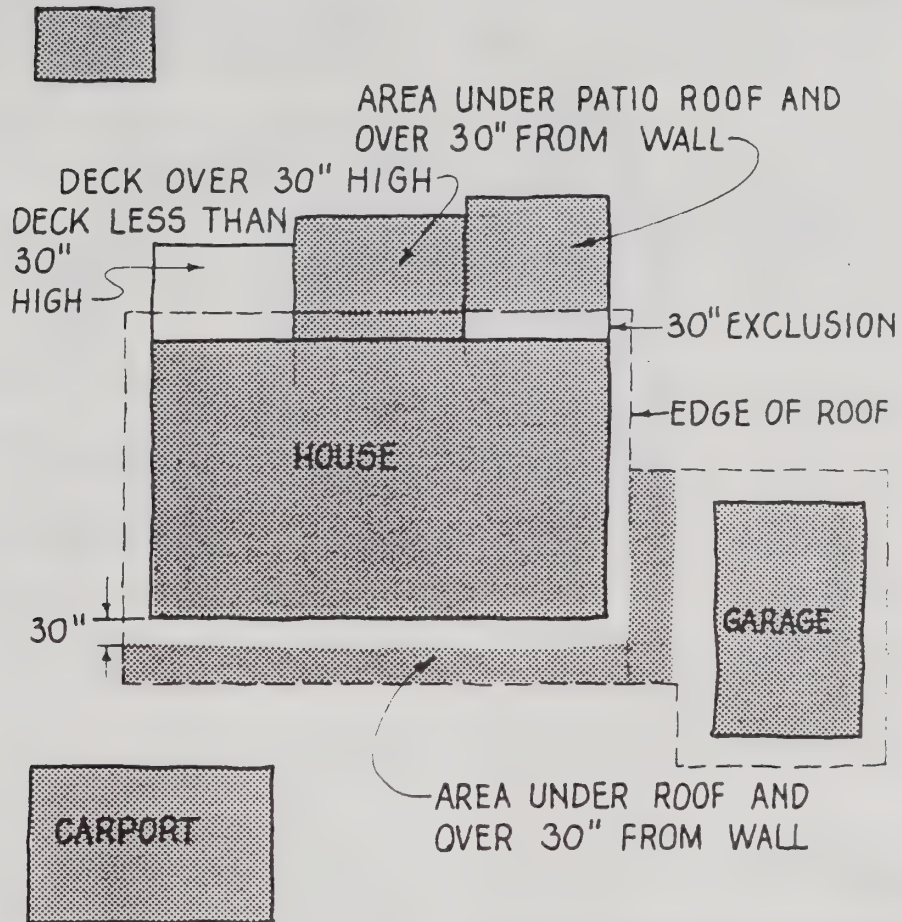


Figure 6

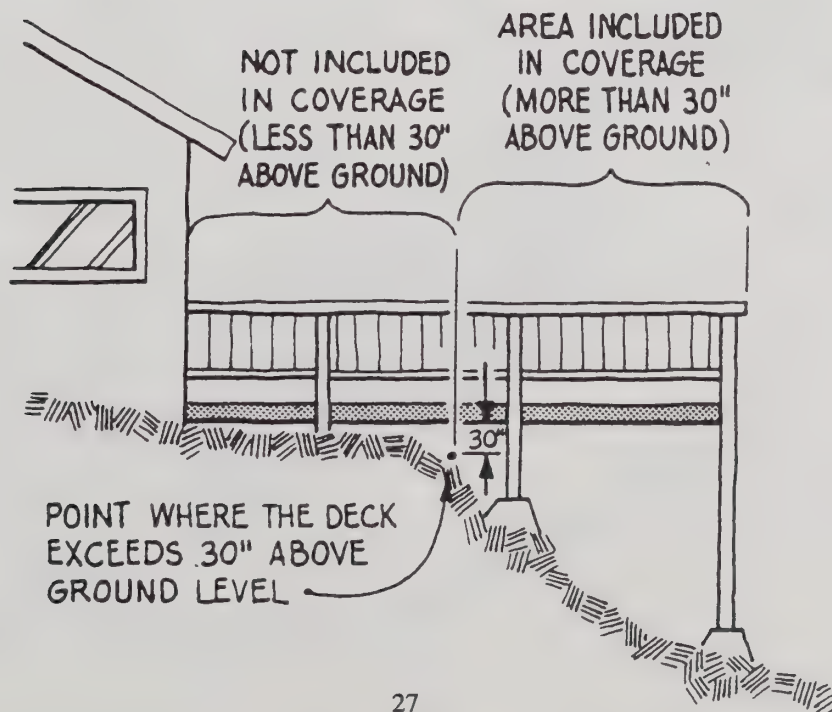


Figure 7

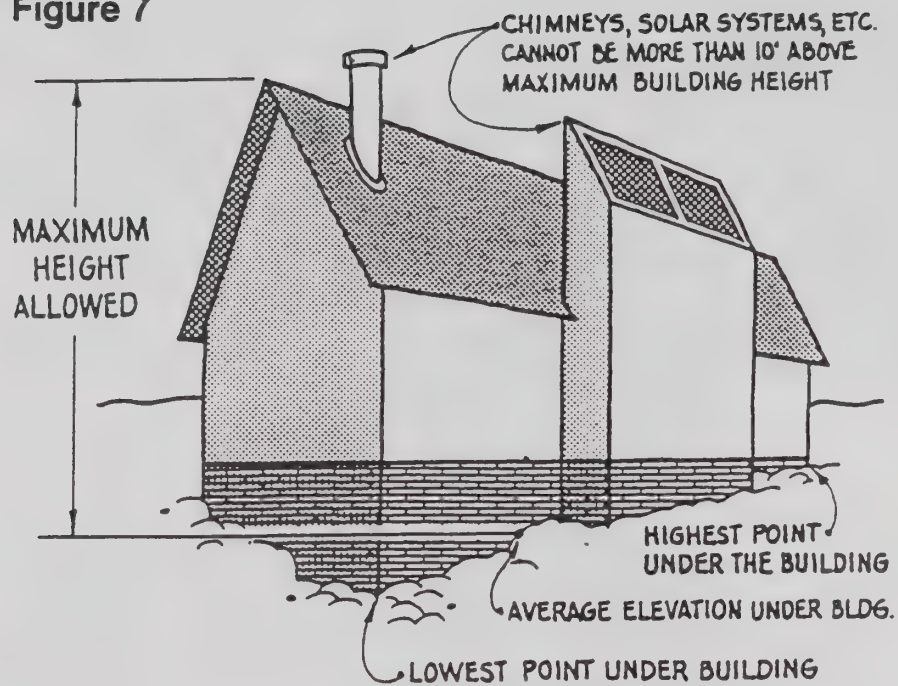
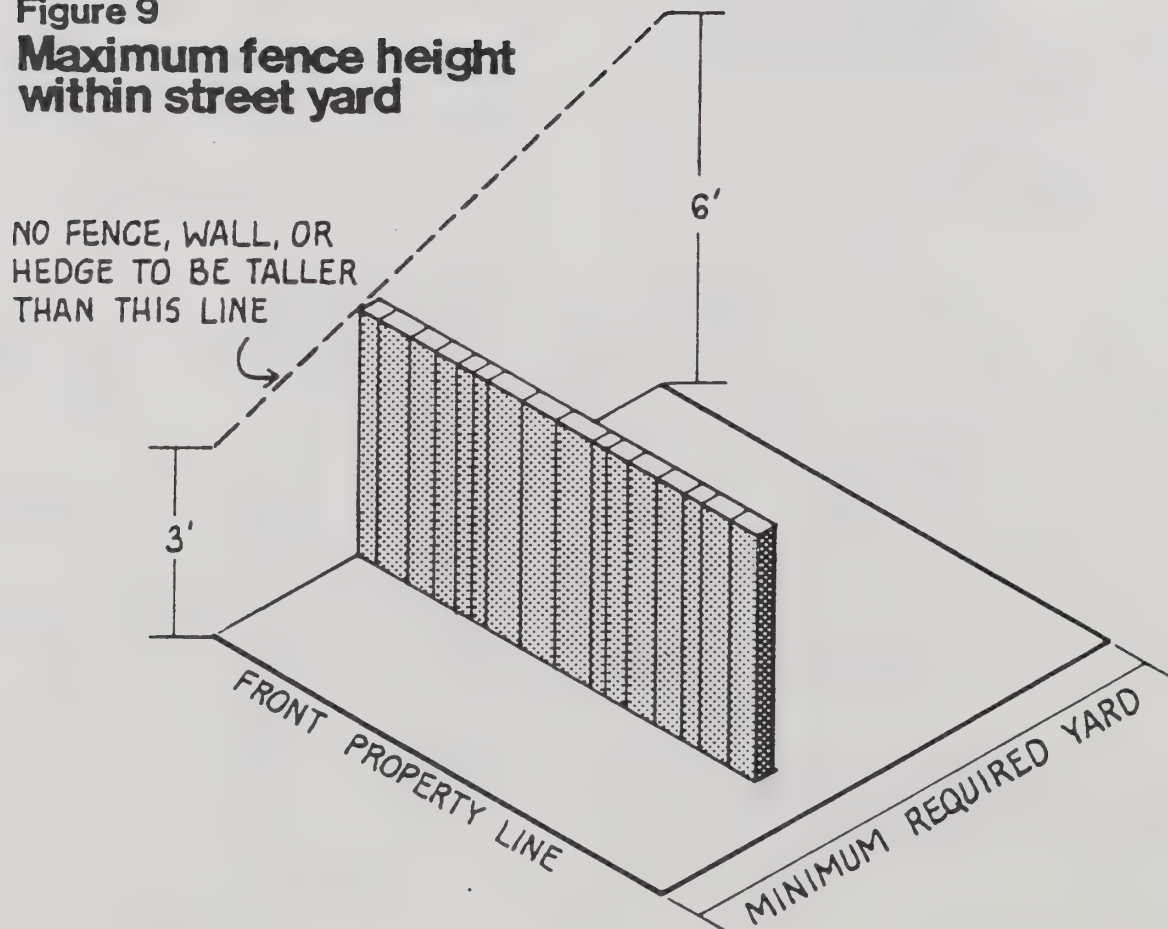


Figure 9
Maximum fence height within street yard



Commercial and governmental agency antennae may exceed the height limits for the zone in which they are located if such an exception is approved by the director.

Any other exception to the height limits requires approval of a variance as provided in Chapter 17.60.

For height limits of signs, see Chapter 15.40. Sign Regulations. (Ord. 1085 - 1 Ex. A (part), 1987; Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(E))

17.16.050 Fences, walls and hedges.

Fences, walls or hedges may be placed within required yards, provided:

A. The maximum height in any street yard shall be as shown in Figure 9;

B. The maximum height in any other yard shall be six feet;

C. Where fences or walls are located on retaining walls, the height of the retaining wall shall be considered as part of the overall height of the fence or wall;

D. The director may grant exceptions to these standards by approving an administrative use permit subject to a finding that no public purpose would be served by strict compliance with these standards. (Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(F))

17.16.060 Parking space requirements.

A. **Intent.** This section is intended to ensure provision of adequate off-street parking, considering the demands likely to result from various uses, combinations of uses, and settings. It is the city's intent, where possible, to consolidate parking and to minimize the area devoted exclusively to parking and drives when typical demands may be satisfied more efficiently by shared facilities.

B. **Mixed Uses.** Where more than one type of use is located on a lot or within a project with common parking areas, the parking requirements for individual uses as provided in subsection D of this section, except that by approval of an administrative use permit the director may reduce the total parking space requirement by up to twenty percent when the times of maximum parking demand from various uses will not coincide.

C. **Joint Use.** For separate parcels or independently planned projects, the director may, by approving an administrative use permit, authorize joint use of park-

ing spaces when he determines there is limited conflict in the operating times of the concerned uses and where the concerned parties have adequate recorded agreement governing the joint parking.

D. **Requirements by Type of Use.** Except as otherwise provided in these regulations, for every structure erected or enlarged and for any land or structure devoted to a new use requiring more spaces according to the schedule set out in this subsection, there shall be provided the indicated minimum number of off-street parking spaces located on the site of the use.

The right to occupy and use any premises shall be contingent on maintaining the required parking. In no case may required parking spaces for a use be rented or leased to off-site uses or used for other purposes.

1. The parking requirement is based on the gross floor area of the entire use, unless stated otherwise.

2. When the calculation of required parking results in a fractional number, it shall be rounded to the next highest whole number if the fraction is one-half or more; otherwise it shall be rounded down to the next lowest whole number.

Parking in addition to these requirements may be required as a condition of use permit approval.

For residential uses, when parking spaces are identified for the exclusive use of occupants of a designated dwelling, required spaces may be arranged in tandem (that is, one space behind the other) subject to approval of the community development director.

Housing occupied exclusively by persons aged sixty-two or older may provide one-half space per unit or one space per four occupants of a group quarters.

TABLE 6

PARKING REQUIREMENTS BY USE

Type of Use	Number of Off-Street Parking Spaces Required
Advertising and related services (graphic design, writing, mailing, addressing, etc.)	One space per 300 square feet gross floor area
Agriculture - grazing and outdoor crops	No requirement
Agriculture - greenhouse culture, livestock feeding	No requirement
Airports and related facilities	To be determined when use permit is approved
Ambulance services	Three spaces per emergency vehicle
Amusement arcades (video games)	One space per 300 square feet gross floor area
Amusement parks, fairgrounds	One space per 500 square feet outdoor use area
Animal hospitals, boarding and grooming (small animals)	One space per 300 square feet gross floor area
Animal hospitals, boarding, grooming, training (large animals)	One space per 500 square feet gross floor area
Antennas (commercial broadcasting)	No requirement
Athletic and health clubs, gymnasiums, fitness centers, tanning centers	One space per 300 square feet gross floor area
Athletic fields, game courts	One space per 500 square feet
Auditoriums, convention/exhibition halls	One space per 100 square feet assembly floor area
Auto dismantling, scrap dealers, recycling centers	One space per 500 square feet of gross floor area plus one space per 10,000 square feet outdoor storage area, but in no case less than 4 spaces
Auto repair and related services (body, brake, transmissions, muffler shops; painting, etc.,)	One space per 500 square feet gross floor area
Banks and savings and loans	One space per 300 square feet gross floor area
Bars, taverns, etc.	One space per 60 square feet of customer use area plus one space per 100 square feet of food preparation area
Barbers, hairstylists, manicurists	One space per 200 square feet gross floor area
Boarding/rooming houses; dormitories	One space per 1.5 occupants or 1.5 spaces per bedroom, whichever is greater
Bowling alleys	Two spaces per lane plus one space per four seats spectator/eating area

Type of Use	Number of Off-Street Parking Spaces Required
Broadcast studios	One space per 300 square feet gross floor area
Building and landscape maintenance services	One space per 300 square feet gross floor area
Bus stations	One space per 300 square feet office/waiting room area plus one space per 1,000 square feet warehouse/garage area
Caretaker's quarters	Two spaces per dwelling
Circus, carnival, fair, festivals, parades	One space per 500 square feet or as provided in ap- proved use permit
Carwash - mechanical	Two spaces plus sufficient waiting line(s)
Carwash - self-service	Two spaces plus washing area(s)
Catering services	One space per 100 square feet food preparation area
Cemeteries, mausoleums, columbariums	One space per 500 square feet of building area
Churches, synagogues, temples, etc.	One space per four fixed seats (one space per 40 square feet seating area without fixed seats) in largest assem- bly room
Computer services	One space per 300 square feet gross floor area
Contractor's yards	One space per 2,000 square feet
Convalescent hospitals	One space per four beds (adult): one space per five juvenile occupants
Convents and Monasteries	One space per five occupants
Credit reporting and collection	One space per 300 square feet gross floor area
Credit unions and finance companies	One space per 300 square feet gross floor area
Day Care	Small family day care - same as for "Dwellings". Large family day care - One space per 300 square feet gross floor area devoted to day care use, in addition to two spaces for the dwelling. Day care center - One space per 300 square feet of gross floor area.
Delivery and private postal services	One space per 300 square feet gross floor area
Detective and security services	One space per 300 square feet gross floor area
Drive-in theaters	No requirement

Type of Use	Number of Off-Street Parking Spaces Required
Dwellings	R-1 and C/OS: 2 spaces per dwelling, one of which must be covered. All other zones: 1 per studio apartment: 1-1/2 for first bedroom plus 1/2 for each additional bedroom in a unit, plus 1 for each five units in developments of more than five units.
Employment agencies	One space per 300 square feet gross floor area
Equipment rental	One per 300 square feet office area plus 1 per 500 square feet indoor display/storage plus 1 per 1,000 square feet outdoor display/storage
Exterminators and fumigators	One space per 300 square feet gross floor area
Feed stores and farm supply sales	One per 500 square feet indoor sales/storage area plus one space per 2,000 square feet outdoor sales/storage area
Florists	One space per 200 square feet gross floor area
Fraternities and sororities	One space per 1.5 occupants or 1.5 spaces per bedroom, whichever is greater
Gas distributors - containerized	One space per 300 square feet office areas plus one space per 500 square feet indoor storage area plus one space per 2,000 square feet outdoor storage area
Government agency corporation yards	One space per 300 square feet office area plus one per 1,500 square feet warehouse/service area plus one space for fleet vehicles
Government agency offices and meeting rooms	Offices: one per 300 square feet gross floor area. Meeting rooms: one per four fixed seats or one per 40 square feet of seating area without fixed seats
High occupancy residential use	The parking requirement shall be the greater of: 1. The number of spaces required for <i>dwellings</i> . OR 2. One off-street parking space per adult occupant, less one.
Home business - see Section 17.08.040	
Homeless shelters	Two spaces for the facility plus one space for each six occupants at maximum allowed occupancy
Hospitals	One space per bed
Hot tubs - commercial use	One space per tub
Insurance service - local	One space per 300 square feet gross floor area
Insurance services - regional office	One space per 300 square feet gross floor area
Laboratories (medical, analytical)	One space per 300 square feet gross floor area

Type of Use	Number of Off-Street Parking Spaces Required
Laundry/dry cleaner:	
Cleaning plant	One space per 500 square feet
Pickup point/office	One space per 300 square feet
Self-service	One space per each four washers or dryers
Libraries	One space per 500 square feet storage/display area plus government office and meeting room requirements
Manufacturing	One space per 300 square feet accessory office area plus one space per 300 square feet to 500 square feet manufacturing floor area, to be determined by director according to employment characteristics of each use, plus one per 1,500 square feet outdoor manufacturing area
Mobile home parks	1.5 spaces per unit: 1 space to be with unit
Mortuaries	1 per four fixed seats or 1 per 40 square feet assembly area, whichever is greater
Motels, hotels, beds and breakfast inns	One per room or group of rooms to be occupied as a suite, plus one for resident manager's quarters, plus eating/assembly area requirements
Museums	One space per 500 square feet storage/display area plus government office and meeting room requirements
Nightclubs, discotheques, etc.	One space per 60 square feet floor or outdoor ground area for customer use, including seating and dancing areas, plus one space per 100 square feet food preparation area
Offices (Contractor's) - all types of general and special building contractor's offices	One space per 300 square feet gross floor area
Offices (professional)	Medical, dental and other health services: one per 200 square feet gross floor area. All others: one per 300 square feet gross floor area
Organizations (professional, religious, political, labor, fraternal, trade, youth, etc.) offices and meeting rooms	One space per 300 square feet office area plus one space per four fixed seats or one space per 40 square feet seating area without fixed seats, in the largest assembly room
Parking (as a principal use)	No requirement
Parks	See game court/athletic field requirements
Pharmacies (prescription drugs only)	One space per 200 square feet floor area
Photocopy services	One space per 300 square feet gross floor area

Type of Use	Number of Off-Street Parking Spaces Required
Photofinishing - retail	One space per 200 square feet gross floor area
Photofinishing - wholesale; and blueprinting and microfilming service	One space per 300 square feet gross floor area
Photographic Studios	One space per 200 square feet gross floor area
Police and fire stations and training facilities	One space per 500 square feet gross floor area
Pool halls, billiard parlors, etc.	One space per 300 square feet gross floor area
Post offices	One space per 300 square feet office, sorting, customer service area plus one space per 500 square feet bulk handling
Printing and publishing	One space per 300 square feet gross floor area
Produce stand (incidental sales of items produced on the premises)	As provided in approved use permit
Public assembly facilities (community meeting rooms)	One space per four fixed seats or one space per 40 square feet of assembly area without fixed seats
Railroad yards, stations, crew facilities	One space per 300 square feet office or waiting room
Refuse hauling, septic tank and portable toilet services	One space per 300 square feet office area
Repair services - small household appliances, locksmiths, seamstress, shoe repair	One space per 300 square feet gross floor area
Repair services - large appliances, electrical equipment, power tools, saw sharpening	One space per 500 square feet gross floor area
Residential care facilities less than six residents	Same as single-family dwelling
Residential care facilities greater than six residents	Two spaces for each facility plus one space per four adult residents and one space per six juvenile residents.
Restaurants, sandwich shops, takeout food, etc.	One space per 60 sq. ft. customer use area, including waiting, seating, counter service areas, and dancing areas, plus one space per 100 sq. ft. food preparation, including counter space, pantry storage, and dishwash- ing areas. Walls, halls, restrooms, and dead storage areas do not count as either customer use or food preparation floor area
Retail sales - outdoor sales of building and landscape materials (lumberyards, nurseries, etc.)	One space per 300 square feet office area plus one space per 500 square feet indoor sales area plus one space per 2,000 square feet warehouse or outdoor sales area

Type of Use	Number of Off-Street Parking Spaces Required
Retail sales - indoor sales of building materials and gardening supplies (floor and wall coverings, paint, glass stores, etc.)	One space per 300 square feet office area plus one space per 500 square feet indoor sales area plus one space per 2,000 square feet warehouse area
Retail sales - appliances, furniture and furnishings, business, office and medical equipment stores; catalog stores; sporting goods, bicycles, outdoor supply	One space 500 square feet gross floor area
Retail sales and rental - autos, trucks, motorcycles, RV's, boats, aircraft and motorhomes	One space per 300 square feet office area plus one space per 500 square feet parts sales service area, plus one space per 2,000 square feet outdoor sales area
Retail sales - auto parts and accessories	One space per 500 square feet gross floor area
Retail sales - groceries, liquor and specialized foods (bakery, meats, dairy items, etc.)	One space per 200 square feet gross floor area
Retail sales - general merchandise (drug, hardware, discount, department and variety stores)	One space per 300 square feet gross floor area
Retail sales - Neighborhood Grocery Market	Two (2) spaces for employee parking, plus one space per 500 square feet of gross floor area and a minimum of five (5) bicycle parking spaces shall be provided per business.
Retail sales - specialties (shoe stores, clothing stores, book/record/videotape stores, toy stores, stationery stores, gift shops) and rental	One space per 200 square feet gross floor area
Schools:	
Nursery schools, preschool (see also "day care")	One space per 300 square feet gross floor area
Elementary, junior high schools, schools for handicapped	Two spaces per classroom plus one space per 300 square feet office, assembly or common area
High schools	Four per classroom plus 1 per 200 square feet office/assembly area
Colleges/universities, business, trade or other specialized schools	One space per 50 square feet classroom floor area
Boarding schools and academies	As provided in approved use permit
Secretarial and related services (court reporting, stenography, typing, telephone answering, etc.)	One space per 300 square feet gross floor area
Service Stations	One space for attendant booth plus two per service bay plus one space per four fuel pumps
Skating rinks	One space per 200 square feet active recreation area plus one per four seats in spectator/eating area

Type of Use	Number of Off-Street Parking Spaces Required
Social service and charitable agencies	One space per 300 square feet gross floor area
Stadiums	As provided in approved use permit
Swap meets	As provided in approved use permit
Swimming pools (public)	One space per 100 square feet of pool surface
Tallow works	One space per 500 square feet gross floor area
Telegram office	One space per 300 square feet gross floor area
Theaters	One space per four seats
Ticket/travel agencies	One space per 300 square feet gross floor area
Tire recapping	One space per 500 square feet gross floor area
Title companies	One space per 300 square feet gross floor area
Trailer rental	Same as retail sales • automobiles and trucks
Trucking/taxi service	One space per 300 square feet office area plus one space per 1,000 square feet garage/warehouse area
Utility companies:	
Corporation yards	One space per 300 square feet office area plus one space per 1,500 square feet warehouse/service area plus space for fleet vehicles
Customer account services (bill paying and inquiries)	One space per 300 square feet gross floor area
Engineering and administration offices	One space per 300 square feet gross floor area
Payment drop points	No requirement
Warehousing, ministorage, moving company	One space per 300 square feet office area plus one space per 1,500 square feet indoor storage area
Water and wastewater treatment plants	As provided in approved use permit
Water treatment services	One space per 300 square feet office plus one space per 1,000 square feet warehouse/service area
Wholesales and mail-order houses	One space per 300 square feet office area plus one space per 1,000 square feet indoor sales/storage area, plus one space per 2,000 square feet outdoor sales area
Zoos	As provided in approved use permit

E. Uses Not Listed. The director shall determine the parking requirement for uses which are not listed. His/her determination shall be based on similarity to listed uses, and may be appealed to the planning commission.

F. Bicycle and Motorcycle Spaces. Each use or development which requires ten or more spaces according to subsection D of this section, shall provide facilities for parking bicycles and motorcycles at the rate of one bicycle space and one motorcycle space for each twenty car spaces. Projects which provide more bicycle and/or motorcycle spaces than required may reduce the required car spaces at the rate of one car space for each five motorcycle or bicycle spaces, up to a ten percent reduction.

G. Off-site Parking. The director may, by approving an administrative use permit, allow some or all of the required parking to be located on a site different from the use. Such off-site parking shall be within a zone where the use is allowed or conditionally allowed, or within an office, commercial or manufacturing zone. It shall be within three hundred feet of the use and shall not be separated from the use by any feature which would make pedestrian access inconvenient or hazardous. The site on which the parking is located shall be owned, leased or otherwise controlled by the party controlling the use. (Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(G))

H. Additions and Changes in Use for Existing Uses or Structures which do not meet current parking standards.

1. Minor additions. Minor additions to existing legal structures or uses which are non-conforming because they do not meet current parking standards may be permitted if they meet the following requirements:

a. The parking spaces required for the addition are provided in conformance with this chapter, in addition to all parking spaces already provided for the existing use or structure; and

b. All existing parking shall be in substantial compliance with parking and driveway standards; and

c. The addition is not more than 25 percent of the existing gross floor area or 1000 square feet, whichever is greater; and

d. For residential projects, at least one legally conforming space is provided for each existing unit in addition to all parking required for the addition itself;

2. Larger additions. Existing legal structures or uses

which are non-conforming because they do not meet current parking standards may be expanded more than 25 percent of the existing gross floor area or 1000 square feet, subject to the following:

a. All existing parking shall be in substantial compliance with parking and driveway standards; and

b. All required parking for the existing use or structure plus that required for the addition is provided; or an administrative use permit is obtained and parking is provided pursuant to the following chart:

Increase in gross floor area	parking provided for addition in addition to existing parking	parking provided for existing use or structure is at least
25 - 49%	100%	50%
50 - 74%	100%	75%
> 75%	100%	100%

and for residential projects, at least one legally conforming space is provided for each existing unit in addition to all parking required for the addition itself.

3. Use changes. Changes in use, which increase the total parking demand, from existing, legal uses which are non-conforming because they do not meet current parking requirements may be permitted so long as the number of spaces equal to the difference between the number required by the previous use and the number required by the new use is provided, in addition to all spaces already provided for the previous use. (Ord. 1122 - 1 Ex. A(part), 1988; Ord. 1114 - 1 Ex. A. 1988: Ord. 1102 - 1 Ex. A(10), (11), 1987: Ord. 1085 - 1 Ex. A (part), 1987: Ord. 1006 - 1 (part), 1984: Ord. 941 - 1 (part), 1982: prior code - 9202.5(G))

17.16.070 Parking and driveway design and exceptions.

A. Parking and driveway design and requirements for permits shall be as provided in the parking standards adopted by council resolution.

B. The director may grant exceptions to the standards subject to appropriate conditions and upon finding that:

1. The exception will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity;

2. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity; and

3. The exception is reasonably necessary for the appli-

cant's full enjoyment of uses permitted upon his/her property. (Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982; prior code - 9202.5(H))

17.16.080 Fire protection.

To ensure that all buildings will be accessible to fire-fighting equipment, any building constructed after the effective date of these regulations shall comply with the following:

A. Every building shall be accessible to fire department apparatus by way of access roadways capable of supporting firefighting apparatus, with an all-weather driving surface, unobstructed paved width of not less than sixteen feet, vertical clearance of not less than thirteen feet six inches, and all corners and curves having an inside radius of twenty-eight feet and an outside radius of forty-six feet;

B. The access roadway shall be provided within one hundred fifty feet of all exterior walls of single-story buildings and single-family and two-family dwellings not exceeding two stories in height, and within forty feet of one exterior wall of other multistory buildings, unless alternate fire suppression systems are approved by the fire marshal. (Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982; prior code - 9202.5(I))

17.16.090 Screening of outdoor sales and storage.

Screening shall be required for all outdoor sales and storage. Such screening shall consist of a solid fence, wall or mature hedge or other screen planting at least six feet high. The community development director may waive the screening requirement when the use customarily is not screened from public view, such as auto sales or displays at service stations. The community development director may defer the screening requirement where the sales or storage is adjacent to vacant land and where it is not visible from a public street. Such waiver or deferral may be by approval of whatever type of use permit may be required for the use. If no use permit is required, the waiver or deferral shall be in writing and shall set forth the circumstances justifying the action. (Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982; prior code - 9202.5(J))

17.16.100 Utility services.

A. All new or remodeled, altered or enlarged buildings or structures requiring electric, communication, TV and/or other utility services shall have such services supplied from service laterals placed underground from the building or structure to the sidewalk area. Where the utility company's distribution system is underground,

the service laterals shall terminate at a location in the sidewalk area designated by the utility company. Where the utility company's distribution system is overhead, the service laterals shall terminate as a pole riser on a pole designated by the utility company.

Exceptions:

1. Buildings and structures located in residential and conservation/open space zones;
2. Buildings or structures being remodeled, altered or enlarged, where the value of the remodel, alteration or addition is fifty thousand dollars or less.

B. All conduits, conductors and associated equipment necessary to receive utility service by means of the underground service lateral shall be provided by the person or persons responsible for building or remodeling.

Exception: Conduits, conductors and associated equipment normally furnished by the utility company. (Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982; prior code - 9202.5(K))

17.16.110 Satellite Dish Antenna

A. Purpose

To establish regulations which regulate the installation of dish-type satellite antenna to help protect public safety and preserve view corridors and neighborhood character.

B. Definition

1. A satellite dish antenna is a device incorporating a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn or cornucopia, that is used to transmit and/or receive radio microwave, or other electromagnetic waves between terrestrially and/or orbitally based use.

C. Residential Performance Standards

The installation of dish-type satellite antenna may be permitted in all residential zones subject to the following criteria:

1. Antenna size: Maximum diameter to be ten feet.
2. Setback: Satellite dish antenna shall not be located in any required setbacks for the underlying zone as indicated in Section 17.16.020. Antennas located outside a street yard setback but between the residence and the street are prohibited.

3. Height: Maximum antenna height to be thirteen feet. All satellite dishes projecting over side or rear yard fences shall be screened from neighboring properties. Roof-mounted installations or pole-mounted installations attached to eaves are prohibited except by use permit. Any antenna which may block significant views from neighboring buildings or from public areas shall be subject to architectural review.

4. One dish type satellite antenna is allowed per site. This shall be in addition to normal television and radio antennas.

D. Commercial Performance Standards. The installation of dish-type satellite antenna may be permitted in the Office, Commercial, and Industrial zones subject to the following criteria:

1. Installation shall be subject to Architectural Review in accordance with the adopted Architectural Review Commission Ordinance and guidelines. The director shall determine, upon receiving a complete application, whether the project is declared minor or incidental or shall be forwarded to the Architectural Review Commission for review.

2. Installations shall not be permitted within streetyard.

3. Installations shall be located so as to minimize visibility from adjoining properties and rights-of-way.

E. Exceptions. Dish-type satellite antenna installations which cannot meet the performance standards included in paragraphs C and D above, may be considered if an administrative use permit is obtained as outlined by Chapter 17.58. Conditions imposed as part of use permit approval would typically include requirements to minimize the visibility of the installation, including blockage of significant public and private views of hillsides, city vistas, or open space areas. Acceptable techniques to reduce the visibility of dish installations include use of alternative materials (wire mesh instead of solid surface), painting the dish in a subdued or natural color, and landscaped screening.

F. Open Space/Conservation Standards. The installation of dish-type satellite antennas may be permitted in the Open Space/Conservation zone subject to an administrative use permit and subject to Architectural Review in accordance with the adopted ARC ordinance and guidelines.

G. Building Permit Required. All satellite dish installations require issuance of a building permit. This is to insure that dishes are structurally sound and properly

grounded. If allowed by use permit, plans submitted for a building permit for a roof-mounted or pole-mounted installation require certification by a registered engineer. (Ord. 1107 - 1 Ex. A, 1987)

Chapter 17.18

PERFORMANCE STANDARDS

Sections:

- 17.18.010 Noise.**
- 17.18.020 Vibration.**
- 17.18.030 Illumination.**
- 17.18.040 Air Contaminants.**
- 17.18.050 Discharges to water or public sewer system.**
- 17.18.060 Heat.**
- 17.18.070 Solid waste.**
- 17.18.080 General and special conditions.**

17.18.010 Noise.

A. No use shall be established nor any activity conducted which violates the standards of the noise ordinance (Chapter 9.12 of this code). (Ord. 1102 - 1 Ex. A(13), 1987; Ord. 941 - 1 (part), 1982: prior code - 9202.6(A))

17.18.020 Vibration.

Subject to the exceptions in subsection C of Section 17.18.010, no activity shall be conducted which causes ground vibrations perceptible at the property line. (Ord. 941 - 1(part), 1982: prior code - 9202.6(B))

17.18.030 Illumination.

No lighting or illuminated device shall be operated so as to create glare which creates a hazard or nuisance on other property. (Ord. 941 - 1(part), 1982: prior code - 9202.6(C))

17.18.040 Air contaminants.

A. No use or activity shall be conducted without first obtaining any required permit from the county air pollution control district.

B. Uses shall be conducted to prevent dust or other airborne material from crossing property lines. (Ord. 941 - 1(part), 1982: prior code - 9202.6(D))

17.18.050 Discharges to water or public sewer system.

A. Discharges to groundwater or waterways, whether direct or indirect, shall conform with the requirements of the Regional Water Quality Control Board and the California Department of Fish and Game.

B. Discharges to the city sewer system shall conform to Article II of Chapter 13.08 of this code. (Ord. 941 - 1(part), 1982: prior code - 9202.6(E))

17.18.060 Heat.

No activity shall be conducted which causes radiant heat or a stream of heated air resulting in a temperature increase of more than twenty degrees Fahrenheit at any property line or any public right-of-way. (Ord. 941 - 1(part), 1982: prior code - 9202.6(F))

17.18.070 Solid waste.

Solid wastes shall be handled and stored so as to prevent nuisances and fire hazards. Suitable containers shall be provided to prevent blowing or scattering of trash by animals. (See also Chapter 8.04) (Ord. 941 - 1(part), 1982: prior code - 9202.6(G))

17.18.080 General and special conditions.

These performance standards are general requirements and shall not be construed to prevent the director, council, planning commission, or architectural review commission from imposing, as part of project approval, specific conditions which may be more restrictive, in order to meet the intent of these regulations. (Ord. 941 - 1(part), 1982: prior code - 9202.6(H))

RESIDENTIAL OCCUPANCY STANDARDS**Sections:**

17.20.010 Group housing - Permitted upon approval of use permit.

17.20.020 Group housing - Occupancy limits.

17.20.010 Group housing - Permitted upon approval of use permit

Group housing (such as dormitory, rest home, boardinghouse or fraternity) which is occupied by six or more individuals may be permitted upon approval of whatever type of use permit is required by the zone district provisions. (Ord. 941 - 1(part), 1982: prior code - 9202.7(A))

17.10.020 Group housing - Occupancy limits

Use permits for group housing shall stipulate a maximum occupancy. The occupancy limits shall reflect habitable space within buildings and available parking and shall not exceed the following standards based on the general plan:

TABLE 8

**MAXIMUM POPULATION DENSITY
FOR EACH ZONE**

Zone	Maximum Population Density (persons per net acre)
R-1	21
R-2, O, C-N, C-T	25
R-3	40
R-4, C-R, C-C	55

(Ord. 941 - 1(part), 1982: prior code - 9202.7(B))

SECOND RESIDENTIAL UNITS**Sections:**

17.21.010 Purpose.

17.21.020 Definitions.

17.21.030 General requirements.

17.21.040 Performance standards.

17.21.050 Procedure requirements.

17.21.060 Periodic review - Violations.

17.21.010 Purpose.

A. This chapter is intended to implement Government Code Section 65852(.1), (.2), which allows the city to conditionally permit second dwelling units in residential zones.

B. The city intends to regulate second units as permitted by Section 65852.2(a) of the state Government Code, and other applicable sections.

C. The city recognizes opportunities to implement certain policies and programs of the city housing element of the general plan by providing for and regulating second units.

D. Implementation of this chapter is meant to expand housing opportunities for low-income and moderate-income or elderly households by increasing the number of rental units available within existing neighborhoods. Second units are intended to provide liveable housing at less cost while providing greater security, companionship and family support for the occupants. (Ord. 1085 - 1 Ex. A (part), 1987; Ord. 1004 - 1(part), 1984: prior code - 9900)

17.21.020 Definitions

For the purpose of this chapter, the following words and phrases have the meanings given them in this section:

A. "Administrative use permit" is defined as defined by Chapter 17.58 of this code.

B. "Director" means the director of the community development department or his designate.

C. "Nonconforming lot" is defined as defined by Chapter 17.12 of this code.

D. "Nonconforming use" is defined as defined by Chapter 17.10 of this code.

E. "Primary unit" means an existing single-family residential structure that conforms with all zoning regulations in effect, including this chapter.

F. "Second unit" means an attached dwelling unit which provides complete independent living facilities for one or more persons and complies with all provisions of this chapter. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the primary unit is sited. (Ord. 1004 - 1 (part), 1984; prior code - 9910)

17.21.030 General requirements

A. Application. Where this chapter does not contain a particular type of standard or procedure, conventional zoning standards and procedures shall apply.

B. Areas Where Second Units are Allowed. Upon approval of an administrative use permit and upon meeting other requirements of this section, second units may be established in the following zones: R-1, R-2, R-3, and R-4.

C. Areas Prohibited. Second units shall not be established in any condominium or planned development project, or any mobile home subdivision, or trailer park, and under no circumstances shall a second unit be allowed, where in the opinion of the director, a resource deficiency exists as defined by Chapter 2.44 of this code.

D. Owner Occupancy. Either the primary unit or second unit must be owner-occupied.

E. No Subdivision of Property. No subdivision of property shall be allowed where a second unit has been established unless the subdivision meets all requirements of zoning and subdivision regulations. Nothing in this section shall prohibit joint ownership of the property where a second unit has been established.

F. Sale of Property. This section shall also apply to new owners of property where a second unit has been established if the property is sold. All conditions of the use permit, restrictive covenants and other contractual agreements with the city, shall apply to the property and new owners.

G. Unit Type Allowed. A second unit shall be attached to the primary unit on the lot and shall be located within the living area of the primary unit. Whenever an increase in floor area is involved, it shall not exceed ten percent of the existing living area.

H. Size of Second Unit. The gross floor area of the

second unit shall not exceed four hundred fifty square feet. The planning commission may authorize exception to this standard by use permit upon finding that:

1. The purpose of this chapter is served:

2. Strict compliance with the size limitation would (a) require significant structural modifications that would not be required otherwise: or (b) adversely affect an historic or architecturally significant building. (Ord. 1085 - 1 Ex. A (part), 1987; Ord. 1034 - 1, 1985; Ord. 1004 - 1 (part), 1984; prior code - 9920)

17.21.040 Performance standards.

A. Parcel Requirements. No second unit shall be established on a parcel or parcels determined by the director to be nonconforming as defined by the zoning and subdivision regulations.

B. Use Requirements. No seconded unit shall be established where the director has determined that the primary unit or any other structure or use on the property is nonconforming as defined by Chapter 17.14 of this code.

C. Design Standards. Second units shall conform to all applicable zoning regulations such as height, yards, parking, building coverage, etc., except for density requirements as defined by zoning regulations.

1. Second units shall conform to all applicable building and construction codes.

2. Nothing in this section prohibits applicants from requesting exceptions or variances from the strict interpretation of zoning regulations to the extent allowed by said regulations for any other use.

3. Second units shall be designed as to provide separate living conditions and provide a safe and convenient environment for the occupants.

4. Second units shall also be architecturally and functionally compatible with the primary unit. (Ord. 1004 - 1 (part), 1984; prior code - 9930)

17.21.050 Procedure requirements.

Prior to filing building plans with the city building department, the following shall be met:

A. Permit Requirement. The applicant shall apply for and obtain an administrative use permit as defined by zoning regulations.

B. Architectural Review Required. All requests shall receive architectural review in accordance with the adopted architectural review commission ordinance and guidelines. The director shall determine, upon receiving complete application, whether the project is declared minor or incidental, or shall be forwarded to the architectural review commission for review.

C. Application Contents. All proposed second unit requests shall be by formal application for administrative use permit and architectural review.

D. Additional Requirements.

1. Owners Agreement with the City. The owner shall enter into an agreement with the city, on a form approved by the city attorney, agreeing that the property will be owner-occupied. If owner occupancy is not possible, then the use will terminate, and the structure will be returned to its original condition to the satisfaction of the director.

Property owners receiving approvals for second units and establishing the use pursuant to this section shall also agree to reimburse the city for costs of all necessary enforcement actions.

2. Recorded Agreement Affecting Use of Property. The applicant shall submit an agreement that will provide constructive notice to all future owners of the property, of the use and owner occupancy restrictions affecting the property. Upon approval of the administrative use permit and architectural review, the applicant shall prepare the final copy of the agreement for the director's review in a form suitable for recording in the office of the county recorder.

E. Appeal. Appeal procedures for this section shall be the same as set forth for administrative use permits as defined in the city zoning regulations. (Ord. 1004 - 1 (part), 1984: prior code - 9940)

17.21.060 Periodic review - Violations.

A. Periodic Review. Use permits shall be subject to review after the first year and each three years thereafter. It shall be the responsibility of the property owner to initiate the review and pay applicable fees.

B. Violations. Violation of any of the provisions shall be basis for revocation of the use permit in accordance with Chapter 17.72. (Ord. 1004 - 1(part), 1984: prior code - 9950)

Chapter 17.22

USE REGULATION

Sections:

17.22.010 Uses allowed by zones.

17.22.010 Uses allowed by zones.

Uses within zones shall be as provided in the following chart. Symbols shall have these meanings:

A - The use is allowed;

D - If the director approves an administrative use permit as provided in Sections 17.58.020 through 17.58.080, the use may be established;

PC - If the planning commission approves a use permit as provided in Sections 17.58.020 through 17.58.080, the use may be established;

A/D - The use is allowed above the ground floor. If the director approves an administrative use permit, it may be established on the ground floor.

See also Section 17.36.030 concerning uses which may be established within public schools.

Listed uses are principal uses. Accessory uses are allowed with principal uses.

Drive-through facilities are not allowed in any zone.

Where manufacturing is allowed, incidental sale of items made on the premises is allowed. When sale of a particular type of item is allowed, craftsman-type production of such an item for sale on the premises is allowed.

These regulations are intended to permit similar types of uses within each zone. The director, subject to the appeal procedures of Chapter 17.66, shall determine whether uses which are not listed shall be deemed allowed or allowed subject to use permit approval in a certain zone. This interpretation procedure shall not be used as a substitute for the amendment procedure as a means of adding new types of uses to a zone.

Special notes, indicated by number in the following chart, may be found at the end of the chart.

Table 9-Uses Allowed by Zone	R-1	R-2	R-3	R-4	C/OS	O ¹¹	PF	C-N	C-C	C-R	C-T	C-S	M
Advertising and related services (graphic design, writing, mailing, addressing, etc.)						A			A/D	A		A	D
Agriculture - grazing and outdoor crops	A				A		A						
Agriculture - greenhouse culture, livestock feeding					PC								
Airports and related facilities							PC					PC	PC
Ambulance services						PC				PC		A	D
Amusement arcades (video games, see Chapter 5.52, Electronic Game Amusement Centers & 17.08.120)								D	D	A	A	A	
Amusement parks, fairgrounds							PC					PC	
Animal hospitals, boarding and grooming (small animals)								D	D	A		A	
Animal hospitals, boarding, grooming, training (large animals)					PC							D	D
Antennas (commercial broadcasting)					PC		PC					D	D
Athletic and health clubs, gymnasiums, fitness centers, game courts								D	D	D	PC	A	A
Auto dismantling, scrap dealers, recycling centers													A
Auto repair and related services (body, brake, transmissions, muffler shops; painting, etc.)								PC		D		A	A
Auto sound system installation									D ¹²	D ¹²		A	A
Banks and savings and loans						A		A ¹	A	A			
Bars, taverns, etc. (see Nightclubs)								D	D	D	D	D	D
Barbers, hairstylists, manicurists, tanning centers								A	A	A	D	D	
Boarding/rooming houses, dormitories (See also Chapter 17.20)			PC	D					D	D			
Bowling alleys							PC			D	D	D	D
Broadcast studios						A			A/D	A		A	A
Building and landscape maintenance services									A/D	A		A	A
Bus stations							PC					D	A

A = Allowed D = Director's approval required PC = Planning Commission approval required A/D = Director's approval on ground floor; allowed above. The Director shall determine if a proposed, unlisted use is similar to a listed use. Numbered notes are at end of chart.

Table 9-Uses Allowed by Zone	R-1	R-2	R-3	R-4	C/OS	O ¹¹	PF	C-N	C-C	C-R	C-T	C-S	M
Cabinet and carpentry shops												D	A
Caretakers' quarters	A	A	A	A	A	A	A	A	A	A	A	A	A
Carwash - mechanical											PC ⁹	D	D
Carwash - self-service								D		D	PC ⁹	A	A
Catering services								D	D	A	D	A	A
Cemeteries, mausoleums, columbariums	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC
Christmas tree sales (see Section 17.08.010D)													
Churches, synagogues, temples, etc.	PC	D	D	D		A	D	D	D	A	D ¹⁸	D ¹⁵	D ₁₈
Circus, carnival, fair, festival, parades (See Section 17.08.010E)					D	D	D	D	D	D	D	D	D
Computer services						A			A/D	A		A	D
Concurrent sales of alcoholic beverages and motor fuel (See Section 17.08.100)								D		D	D	D	
Construction activities (see Section 17.08.010G)	A	A	A	A	A	A	A	A	A	A	A	A	A
Contractor's yards												A	A
Convalescent hospitals		PC	PC	D		PC	PC			D			
Convents and monasteries		PC	A	A						D			
Credit reporting and collection						A			A/D	A		A	
Credit unions and finance companies						A			A	A			
Day Care - family day care homes (see Section 17.08.045)	A	A	A	A	A	A		A	A	A	A		
- Day care center ¹⁷	D	D	D	D		A	D	A	A/D	A	D	D	D
Delivery services						D				A		A	A
Detective and security services						A			A/D	A		A	D
Drive-in theaters												PC	PC
Dwellings (See also Sec. 17.55 - Mixed Use Zone)	A ²	A	A	A	A	A ³		A/D	A/D	A/D	D		
Educational conferences (see Section 17.08.010H)			D	D					D	D			
Employment agencies						A	D		A	A			
Equipment rental												A	A

A = Allowed D = Director's approval required PC = Planning Commission approval required A/D = Director's approval on ground floor; allowed above. The Director shall determine if a proposed, unlisted use is similar to a listed use. Numbered notes are at end of chart.

Table 9-Uses Allowed by Zone	R-1	R-2	R-3	R-4	C/OS	O ¹¹	PF	C-N	C-C	C-R	C-T	C-S	M
Exterminators and fumigators												A	A
Feed stores and farm supply sales										PC		A	A
Florists								A	A	A			
Fraternities and sororities			PC	PC									
Gas distributors - containerized (butane, propane, oxygen, acetylene, etc.)												D	A
Government agency corporation yards							PC					A	A
Government agency offices and meeting rooms						PC	D		D	D			
High occupancy residential use	D	D											
Home business (see Section 17.08.040)													
Homeless shelters (see Section 17.08.110)			PC	PC		PC	PC	PC	PC	PC	PC	PC	PC
Hostels			PC	PC					A	A	A		
Hospitals						PC	PC						
Hot tubs - commercial use								PC ⁴	PC	PC	D	PC	PC
Insurance service -local						A			A/D	A			
Insurance services - regional office									A/D	A			
Laboratories (medical, analytical research)						PC				A		A	A
Laundry/dry cleaner - cleaning plant - pickup point - self-service								A ¹⁹ A A	A A A	A A A	D D	A A D	A A A
Libraries							PC	A ⁷	D	A			
Manufacturing - food, beverages; ice; apparel; electronic, optical, instrumentation products; jewelry; musical instruments; sporting goods; art materials												D	A
Manufacturing - basic metals, chemicals, building materials, fabricated metals, textiles, paper and cardboard; machinery, transportation equipment													PC
Mineral extraction (see Section 17.08.020)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Mobile home parks	A	A	A	A									

A = Allowed D = Director's approval required PC = Planning Commission approval required A/D = Director's approval on ground floor; allowed above. The Director shall determine if a proposed, unlisted use is similar to a listed use. Numbered notes are at end of chart.

Table 9-Uses Allowed by Zone	R-1	R-2	R-3	R-4	C/OS	O ¹¹	PF	C-N	C-C	C-R	C-T	C-S	M
Mobile home as construction office (see Section 17.08.010C)													
Mobile homes as temporary residence at building site (see Section 17.08.010F)	A	A	A	A	A	A		A					
Mortuaries						D	D			A			
Motels, hotels, bed and breakfast inns									A	A	A		
Museums							PC		A	A			
Nightclubs, discotheques, etc. (see Chapter 5.40, Adult Entertainment Establishments)									D	D	D		
Offices (contractors) - all types of general and special building contractor's offices						A			A/D	A		A	A
Offices (engineering) engineers, architects, and industrial design						A			A/D	A		A	¹⁰
Offices (professional) attorneys, counselors, medical services, accountants, investment brokers, realtors, appraisers						A			A/D	A		¹⁰	¹⁰
Organizations (professional, religious, political, labor, fraternal, trade, youth, etc.) offices and meeting rooms			D	D		A		D	A/D	A		D	
Parking (as a principal use)						PC ¹³	D ¹³		PC ¹³	D ¹³		D ¹³	D ¹³
Parks	A	A	A	A	D	A	D	A	A	A			
Photocopy services; quick printers						A		A	A/D	A		A	A
Photofinishing - retail								A	A	A	PC	A	
Photofinishing - wholesale; and blue- printing and microfilming service										D		A	A
Photographic studios								A	A	A	PC	A	
Police and fire stations and training facilities							PC						
Pool halls, billiard parlors, etc.								PC	D	D	D		

A = Allowed D = Director's approval required PC = Planning Commission approval required A/D = Director's approval on ground floor; allowed above. The Director shall determine if a proposed, unlisted use is similar to a listed use. Numbered notes are at end of chart.

Table 9-Uses Allowed by Zone	R-1	R-2	R-3	R-4	C/OS	O ¹¹	PF	C-N	C-C	C-R	C-T	C-S	M
Post offices and public and private postal services													
- under 2000 square feet gross floor area per establishment							PC	D	A	A		A	
- 2,000 square feet or more gross floor area per establishment							PC		A	A		A	
Printing and publishing									D	D		A	A
Produce stand					D			A	A	A		A	
Public assembly facilities (community meeting rooms, auditoriums, convention/exhibition halls)							PC		D	D	D	PC	
Railroad yards, stations, crew facilities												D	A
Refuse hauling, septic tank and portable toilet services													A
Repair services													
- small household appliances, locksmiths, seamstress, shoe repair								A	A	A		A	A
- large appliances, electrical equipment, power tools, saw sharpening										D		A	A
Residential care facilities - 6 or fewer residents	A	A	A	A	A	A		A/D	A/D	A/D	D		
Residential care facilities - more than 6 residents		PC	PC	D		PC	PC			D			
Restaurants, sandwich shops, take-out food, etc.								A	A	A	A	D	D
Retail sales - outdoor sales of building and landscape materials (lumberyards, nurseries, etc.)								D ^s	D	A		A	A
Retail sales - indoor sales of building materials and gardening supplies (floor and wall coverings, paint, glass stores, etc.)								A ^s	A	A		A	A
Retail sales - appliances, furniture and furnishings, musical instruments; data processing equipment, business, office and medical equipment stores; catalog stores; sporting goods, outdoor supply								A ^s	A	A		A	
Retail sales and repair of bicycles								A	A	A		A	

A = Allowed D = Director's approval required PC = Planning Commission approval required A/D = Director's approval on ground floor; allowed above. The Director shall determine if a proposed, unlisted use is similar to a listed use. Numbered notes are at end of chart.

Table 9-Uses Allowed by Zone	R-1	R-2	R-3	R-4	C/OS	O ¹¹	PF	C-N	C-C	C-R	C-T	C-S	M
Retail sales and rental - autos, trucks, motorcycles, RV's										D		A	PC
Retail sales - auto parts and accessories except tires and batteries as principal use								D	D	A		A	PC
Retail sales - tires and batteries										A		A	PC
Retail sales and rental - boats, aircraft, mobile homes												A	PC
Retail sales - groceries, liquor and specialized foods (bakery, meats, dairy items, etc.)								A	A	A	PC	D	
Retail sales - neighborhood grocery (See also Sec. 17.30.030)				A				A	A	A			
Retail sales - general merchandise (drug, hardware, discount, department and variety stores)													
- 15,000 square feet or less gross floor area per establishment								A	A	A			PC
- 15,001 to 60,000 square feet gross floor area per establishment								PC	A	A			PC
- more than 60,000 square feet gross floor area per establishment.									PC	D			PC
Retail sales and rental - specialties (shoe stores, clothing stores, book/record/videotape stores, toy stores, stationery stores, gift shops)								A ⁸	A	A			
Schools													
- Nursery schools/Pre-school (see Day care) ¹⁷													
- Elementary, junior high, high schools; schools for disabled/handicapped	PC	PC	D	D			D			D			
- Colleges/universities							D						
- Business, trade, recreational, or other specialized schools						PC			A/D	A		D	D ⁵
- Boarding schools and academics			PC	PC									
Secretarial and related services (court reporting, stenography, typing, telephone answering, etc.)						A			A/D	A		D	
Service stations (see Section 17.08.030)								D		D	D	A	A

A = Allowed D = Director's approval required PC = Planning Commission approval required A/D = Director's approval on ground floor; allowed above. The Director shall determine if a proposed, unlisted use is similar to a listed use. Numbered notes are at end of chart.

Table 9-Uses Allowed by Zone	R-1	R-2	R-3	R-4	C/OS	O ¹¹	PF	C-N	C-C	C-R	C-T	C-S	M
Skating rinks							PC			PC	D	PC	PC
Social services and charitable agencies						A	D	D	A	A			
Stadiums							PC					PC	PC
Swap meets										PC		PC	
Swimming pools (public)							PC			PC		PC	PC
Tattoo parlors										D		D	
Tallow works													PC
Temporary parking lots (see Section 17.08.010f)													
Temporary real estate sales office in tract (see Section 17.08.010B)	D	D	D	D									
Temporary sales (see Section 17.08.010J)								D	D	D	D	D	D
Temporary uses - not otherwise listed in Section 17.08.010K	D	D	D	D	D	D	D	D	D	D	D	D	D
Theaters (see Chapter 5.40, Adult Entertainment Establishments)							PC ¹⁶	PC ¹⁴	D	D			
Ticket/travel agencies						A		A ⁶	A	A	D	D	
Tire recapping												A	A
Title companies						A			A	A			
Trailer rental										D		A	A
Trucking/taxi service												A	A
Utility companies													
- Corporation yards							PC					A	A
- Customer account services (bill paying and inquiries)						A	D		A	D			
- Distribution and transmission facilities - see Section 17.08.050)													
- Engineering and administration offices						A	D		A/D	A		D	
- Payment drop points						A	D	A	A	A			
Vending machines (see Section 17.08.080)													
Veterinarians						A ⁶			A/D	A ⁶		D	

A = Allowed D = Director's approval required PC = Planning Commission approval required A/D = Director's approval on ground floor; allowed above. The Director shall determine if a proposed, unlisted use is similar to a listed use. Numbered notes are at end of chart.

Table 9-Uses Allowed by Zone	R-1	R-2	R-3	R-4	C/OS	O''	PF	C-N	C-C	C-R	C-T	C-S	M
Warehousing, ministorage, moving company												A	A
Water and wastewater treatment plants							PC						
Water treatment services												A	A
Wholesale and mailorder houses										PC		A	A
Zoos							PC						

A = Allowed **D** = Director's approval required **PC** = Planning Commission approval required **A/D** = Director's approval on ground floor; allowed above. The Director shall determine if a proposed, unlisted use is similar to a listed use. Numbered notes are at end of chart.

Notes:

1. In the C-N zone, only branches of banks are allowed - no headquarters.
2. Except for condominiums, the development of more than one dwelling on a land parcel in the R-1 zone requires approval of an administrative use permit. R-1 density standards apply.
3. In the O zone, dwellings on a site occupied by residential uses only are allowed. Dwellings on a site with nonresidential uses require approval of an administrative use permit.
4. In the C-N zone, hot tubs/spas for commercial use must be enclosed.
5. In the M zone, schools are limited to those offering instruction in fields supportive of allowed uses.
6. In the O, C-C and C-R zones, animals at veterinarian's facilities must be kept within a building.
7. In the C-N zone, branch libraries only are allowed.
8. In the C-N zone, the following types of uses are allowed provided that (1) the gross floor area of each establishment shall not exceed two thousand square feet and (2) the combined floor area of all such establishments within a shopping center shall not exceed twenty-five percent of the total floor area in a shopping center with a gross floor area of 15,000 square feet or greater; or shall not exceed fifty percent of the total floor area in a shopping center with a gross floor area of less than 15,000 square feet:

Retail sales - outdoor sales of building and landscape materials.

Retail sales - indoor sales of building materials and gardening supplies.

Retail sales - appliances, furniture and furnishings, musical instruments; data processing equipment
business, office and medical equipment stores; catalog stores; sporting goods, outdoor supply.

Retail sales and rental - specialties, except that the floor area of video stores shall not exceed three thousand square feet.

Ticket/travel agencies.

For parcels not located within shopping centers, an administrative use permit shall be required for the uses listed above, to insure consistency with policies of the General Plan Land Use element and compatibility with surrounding uses. The use permit may provide for exceptions to the floor area limitations listed under (1) and (2) above.

9. In the C-T zone, car washes are allowed only in conjunction with and incidental to service stations, and provided that no other car wash is located within 1000 feet of the site.
10. Large professional office buildings which can include multiple tenants but with no single tenant space less than 2,500 square feet may be established in the C-S and M zones subject to the approval of a Planned Development (PD) zoning application and compliance with findings specified in Section 17.62.040 C. However, this provision notwithstanding, the following types of office-related uses are prohibited in PDs approved for C-S and M zones: Banks, real estate offices, financial institutions, medical clinics, doctor's offices, and lawyer's offices.
11. An administrative use permit is required for the construction of nonresidential structures or the conversion of residential structures to non-residential uses in the O zone. In order to approve a use permit the director must make each of the following findings:
 - A. That the location, orientation, height, and mass of new structures will not significantly affect privacy in nearby residential areas.
 - B. That the project's location or access arrangements will not significantly direct traffic to use local streets in nearby residential areas.

- C. That the project includes landscaping and yards that adequately separate parking and pedestrian circulation areas from sites in nearby residential areas.
12. In the C-C and C-R zones, use permit review of automobile sound system installations should include consideration of the following items: parking space displacement, noise from the operation, and appearance. Use permits may be approved only when the use is accessory to a retail sales operation.
 13. Where parking as a principal use is allowed, deviations to existing setbacks and building heights are permitted upon approval of a use permit as required by Section 17.22.010. All multi-level parking facilities shall require the approval of a use permit by the Planning Commission.
 14. Theaters in the C-N zone shall be limited to 4,000 square feet in size, a single screen, and restricted to shopping center sites in the zone (See Section 17.04.371).
 15. Use permit review shall consider that the C-S zone is primarily intended to accommodate uses not generally suited to other commercial zones because of noise, truck traffic, visual impacts and similar factors. A use permit may be approved only when the church will not likely cause unreasonable compatibility problems with existing or likely future service commercial uses in the vicinity. Use permit conditions may include measures to mitigate incompatibility.
 16. In the PF zone, only non-profit theaters are permitted.
 17. Allowed by right where accessory to a church or school, or where an employer provides on-site child care to 12 or fewer children for the exclusive benefit of employees, providing the primary use meets City parking standards.
 18. Church uses may be allowed inside existing buildings only.
 19. Dry cleaning plants in the C-N zone shall be allowed subject to the following performance standards: less than 2,000 square feet in area; use APCD-approved low-emission equipment; and cleaning done on-site shall be for customers coming to this location only (not serve as a regional plant).

LOW-DENSITY RESIDENTIAL (R-1) ZONE**Sections:****17.24.010 Purpose and application.****17.24.020 Property development standards.****17.24.010 Purpose and application.**

The R-1 zone is intended primarily to provide housing opportunities for people who want private open space associated with individual dwellings. It is intended to preserve existing single-family neighborhoods, provide for compatible infill development in such areas, and prescribe the overall character of newly subdivided low-density areas. This zone shall be applied to areas designated "low-density residential" on the general plan map. (Ord. 941 - 1 (part), 1982: prior code - 9203.1(A))

17.24.020 Property development standards.

The property development standards for the R-1 zone are as follows:

A. Maximum density: Seven dwellings per net acre (see also Section 17.16.010).

B. Yards: See Section 17.16.020.

C. Maximum height: Twenty-five feet; up to thirty-five feet if the director approves an administrative use permit. (See also Section 17.16.020 and Section 17.16.040.)

D. Maximum coverage: forty percent (see also Section 17.16.030).

E. Parking requirements: See Section 17.16.060. (Ord. 941 - 1 (part), 1982: prior code - 9203.1(B))

MEDIUM-DENSITY RESIDENTIAL (R-2) ZONE**Sections:****17.26.010 Purpose and application.****17.26.020 Property development standards.****17.26.010 Purpose and application.**

The R-2 zone is intended to provide housing opportunities for people who want compact residences close to commercial and public services. These areas will usually lie between zones of higher and lower residential density and/or adjacent to office (O) zones or neighborhood commercial (C-N) zones. This zone will be applied to areas designated "medium-density residential" on the general plan map. (Ord. 941 - 1 (part), 1982: prior code - 9203.2(A))

17.26.020 Property development standards.

The property development standards for the R-2 zone are as follows:

A. Maximum density: Twelve dwelling units per net acre (see also Section 17.16.010).

B. Yards: See Section 17.16.020.

C. Maximum height: Thirty-five feet (see also Sections 17.16.020 and 17.16.040).

D. Maximum coverage: Fifty percent (see also Section 17.16.030).

E. Parking requirements: See Section 17.16.060. (Ord. 941 - 1 (part), 1982: prior code - 9203.2(B))

**MEDIUM-HIGH-DENSITY
RESIDENTIAL (R-3) ZONE****Sections:****17.28.010 Purpose and application.****17.28.020 Property development standards.****17.28.010 Purpose and application.**

The R-3 zone is intended primarily to provide housing opportunities for smaller households desiring little private open space and to provide various types of group housing. These areas are generally close to commercial and public facilities serving the whole community and generally committed to this type of development. This zone will be applied to areas designated "medium-high-density residential" on the general plan map. (Ord. 941 - 1 (part), 1982: prior code - 9203.3(A))

17.28.020 Property development standards.

The property development standards for the R-3 zone are as follows:

A. Maximum density: Eighteen dwelling units per net acre (see also Section 17.16.010).

B. Yards: See Section 17.16.020.

C. Maximum height: Thirty-five feet (see also Sections 17.16.020 and 17.16.040).

D. Maximum coverage: Sixty percent (see also Section 17.16.030).

E. Parking requirements: See Section 17.16.060. (Ord. 941 - 1 (part), 1982: prior code - 9203.3(B))

HIGH-DENSITY RESIDENTIAL (R-4) ZONE**Sections:****17.30.010 Purpose and application.****17.30.020 Property development standards.****17.30.010 Purpose and application.**

The R-4 zone is intended to provide housing opportunities for smaller households desiring little private open space and to provide various types of group housing. It is further intended to allow for concentrations of housing close to concentrations of employment and college enrollment, in areas largely committed to high-density residential development. It will be applied to areas designated "high-density residential" on the general plan map. Ord. 941 - 1 (part), 1982: prior code - 9203.4(A))

17.30.020 Property development standards.

The property development standards for the R-4 zone are as follows:

A. Maximum density: Twenty-four dwelling units per net acre (see also Section 17.16.010).

B. Yards: See Section 17.16.020.

C. Maximum height: Thirty-five feet (see also Sections 17.16.020 and 17.16.040).

D. Maximum coverage: Sixty percent (see also Section 17.16.030).

E. Parking requirements: See Section 17.16.060. (Ord. 941 - 1 (part), 1982: prior code - 9203.4(B))

17.30.030 Neighborhood Grocery Market defined:

"A retail grocery store with a gross floor area of 2,000 square feet or less, and included as an accessory use in a residential development which is under one ownership and contains a minimum of forty (40) individual dwelling units. Neighborhood markets shall sell a full range of food products including meat, dairy, vegetables, fruits, dry goods, and non-alcoholic beverages, and shall cater primarily to customers who arrive by foot, bicycle, or other non-motorized transportation."

**17.30.040 Development Standards for neighborhood
grocery markets:**

A. Maximum Size. Gross floor area shall not exceed 2,000 square feet per business. Floor area for accessory residential use shall not be counted toward the allowed market floor area.

B. Height, Setback, Lot Coverage, and Density. Neighborhood grocery markets shall comply with the height, setback, and coverage requirements for the residential zone in which it is located. A neighborhood grocery market shall count as one (1) density unit for the purposes of calculating density under Section 17.16.010.

C. Loading and Deliveries. One curbside or off-street loading space shall be provided per business. Loading and deliveries is permitted only between the hours of 8 a.m. and 9 p.m.

D. Hours of Operation. Neighborhood grocery markets shall open for business no earlier than 7:30 a.m., and shall close no later than 10 p.m.

E. Alcohol Sales. Neighborhood grocery markets shall be prohibited from selling alcoholic beverages of any kind.

F. Performance Standards. Neighborhood grocery markets shall comply with Performance Standards, Chapter 17.18 of the Zoning Regulations. In addition, all exterior trash enclosures, outdoor storage, heating or cooling equipment, refrigerators, and similar equipment shall be visually screened, and located and/or designed to avoid noise, odor, glare, or vibration impacts to neighboring properties.

G. Architectural Review. Neighborhood grocery markets shall be compatible with neighboring structures in terms of scale, massing, architectural style or character, colors and materials, access, exterior lighting and landscaping. Exterior changes shall require architectural review, as provided in Chapter 2.48 of the Municipal Code.

H. Good Neighbor Plan. In addition to standard submittal requirements, applicants for a neighborhood grocery market shall submit a Good Neighbor Plan with their request. The plan shall include the following:

1. A conflict mediation and response program, outlining responsible parties, phone numbers, steps to be taken to address common neighbor concerns, and remedies for neighbor or City in the event of non-compliance with use permit conditions or the Good Neighbor Plan. The plan should also outline measures to be taken to inform neighbors (within 300 feet of the property boundaries of the market site) of the plan.

2. Recycling/litter control program designed to encourage

recycling and reduce litter. It should include customer awareness activities, store policy on accepting and storing recycled containers, providing at least one exterior litter receptacle near each entry, and periodic litter pick-ups sponsored by store owners in cooperation with neighborhood or civic groups.

3. Crime prevention and emergency response program, identifying measures to be taken to: provide security for employees and customers, and provide training for employees in identifying and handling problem situations.

CONSERVATION/OPEN SPACE (C/OS) ZONE**Sections:****17.32.010 Purpose and application.****17.32.020 Property development standards.****17.32.010 Purpose and application.**

A. The C/OS zone generally will be applied to areas which are most suitable for open space uses because of topography, geology, vegetation, soils, wildlife habitat, scenic prominence, agricultural value or flood hazard.

B. The C/OS zone is intended to prevent exposure of urban development to unacceptable risks posed by natural hazards and to protect natural resources from disruptive alterations. To these ends, it is further intended to prevent the subdivision of such lands.

C. It will be applied as a permanent zone to areas designated "conservation/open space" or "park" on the general plan map. It may also be applied to areas designated "interim conservation/open space" where development is contingent on prerequisites identified in the general plan text. (Ord. 941 - 1(part), 1982: prior code - 9203.5(A))

17.32.020 Property development standards.

The property development standards for the C/OS zone are as follows:

A. Maximum density: One dwelling per five or more acres, as indicated in the zone designation.

B. Minimum parcel size: Five or more acres, as noted in the number which is part of the zone designation (C/OS-40 requires forty acres).

C. Minimum street yard: Twenty feet.

D. Minimum other yards: Twenty feet.

E. Maximum height: Thirty-five feet.

F. Maximum coverage: Twenty percent.

G. Parking: See Section 17.16.060. (Ord. 941 - 1 (part), 1982: prior code - 9203.5(B))

OFFICE (O) ZONE**Sections:****17.34.010 Purpose and application.****17.34.020 Property development standards.****17.34.010 Purpose and application.**

The O zone is intended to provide for offices and related functions close to medical facilities and the downtown, convenient to public transportation and related government and business services. It is also intended to provide for continuation and development of residential uses where they will be compatible with neighboring offices. This zone will be applied to areas designated "office" on the general plan map. (Ord. 941 - 1 (part), 1982: prior code - 9203.6(A))

17.34.020 Property development standards.

The property development standards for the O zone are as follows:

A. Maximum density: Twelve dwelling units per net acre (see also Section 17.16.010).

B. Yards: See Section 17.16.020.

C. Maximum height: Twenty-five feet; thirty-five feet with the approval of an administrative use permit in compliance with Section 17.22.010, Table 9, Footnote 11 (Also see Sections 17.16.020 and 17.16.040.)

D. Maximum coverage: Sixty percent (see also Section 17.16.030).

E. Parking requirements: See Section 17.16.060. (Ord. 1088 - 1 Ex. A(4), 1987; Ord. 941 - 1 (part), 1982: prior code - 9203.6(B))

Chapter 17.36

PUBLIC FACILITY (PF) ZONE

Sections:

17.36.010 Purpose and application.

17.36.020 Property development standards.

17.36.030 Public school tenant uses.

17.36.010 Purpose and application.

A. The PF zone is intended to provide for the wide range of public uses likely to be located on public property. Public uses are those conducted by governmental or nonprofit agencies. However, this zone will also provide for complementary private and commercial uses which, within the overall guidance of the general plan, provide a public benefit.

B. The zone is further intended to protect neighboring private uses from potentially incompatible public uses. It will be applied to areas designated "public/semipublic" and "park" on the general plan map. (Ord. 1016 - 1 (part), 1984: Ord. 941 - 1 (part), 1982: prior code - 9203.7(A))

17.36.020 Property development standards.

The property development standards for the PF zone are as follows:

A. Yards: See Section 17.16.020.

B. Maximum height: Thirty-five feet (see also Sections 17.16.020 and 17.16.040).

C. Maximum coverage: Sixty percent (see also Section 17.16.030).

D. Parking requirements: See Section 17.16.060. (Ord. 1016 - 1 (part), 1984: Ord. 941 - 1 (part), 1982: prior code - 9203.7(B))

17.36.030 Public school tenant uses.

A. Purpose, Scope and Duration. In order to allow more complete use of space made available by declining enrollment, certain commercial activities may be established in the public schools in addition to the uses listed in Table 9 (Section 17.22.010) of these regulations. Notwithstanding any other provisions of these regulations to the contrary and in conformance with the general plan, the following provisions shall apply to such uses. The director may act to extend all temporary

permits, regardless of the type of permit.

B. Uses Allowed by Public School Tenant Permit. The director approves public school tenant permits subject to the standards in subsection F of this section. The director may establish conditions to further the intent of this section. A public notice shall be posted at the site of each proposed school tenant use. If anyone informs the community development department of a question or objection concerning the proposed school tenant use, that cannot be resolved by staff to the satisfaction of the complainant, within five days of the posting, the director shall schedule a hearing for the application as provided for administrative use permits. If no questions or objections are received by the community development department that cannot be resolved, the director may issue the permit upon submission of all required information and without further notice or public hearing. The following uses may be established by school tenant permits within public schools in the PF zone:

1. Public educational programs different from those normally conducted at the school, such as full-time, adult programs at an elementary school;
2. Private educational programs, such as professional, vocational or recreational classes;
3. Storage of furnishings and records;
4. Telephone answering or paging service;
5. Stenographic, court reporting, typing, graphic design, editing and translating services;
6. Child day care.

C. Uses Allowed with Administrative Approval. If the director approves an administrative use permit, as provided in Sections 17.58.020 through 17.58.080, subject to the standards in subsection F of this section, the following uses may be established within public schools in the PF zone:

1. Employee organization offices;
2. Government agency administrative offices with infrequent visitation;
3. Youth, adult and charitable service organizations;
4. Photography studio or art studio;
5. Office for equipment sales or repair, excluding on-site sales or vehicle repair;

6. Clothing repair or alteration and repair of small appliances, watches, musical instruments and similar items.

D. Uses Allowed with Planning Commission Approval. If the planning commission approves a use permit, as provided in Section 17.58.080, subject to the standards in subsection F of this section, the following uses may be established within public schools in the PF zone:

1. Travel or ticket agency;
2. Duplicating, mailing and direct distribution (private postal) services.

E. Other Uses Allowed. Other uses may be allowed, or allowed with administrative or planning commission approval. The community development director must determine that the use is similar in character and impacts on its surroundings to one of those listed in subsections B, C or D of this section.

F. Standards. The following standards shall be conditions of approval for all types of permits. Whether these standards can reasonably be met shall be considered when deciding if a use permit should be approved for a specific use in a specific location:

1. Parking as required by Section 17.16.060 shall be provided;
2. There will be adequate space for the function itself and supporting activities such as parking, in addition to all other activities previously established at the school;
3. The use will not require structural changes to the school building, inconsistent with future school use of the building, unless there is written guarantee the building will be restored for school use upon termination of the lease or permit;
4. There will be minimal customer, client or delivery traffic;
5. Clients or customers shall not visit the leased space between eleven p.m. and seven a.m.;
6. There will be minimal employee activity at night and on weekends;
7. Activities shall be conducted entirely within the school building or on established playing fields and shall not alter the appearance of the building or the playing fields, except as provided in standard 3 of this subsection;

8. No vehicle larger than a three-quarter-ton truck may be used by the tenant at the lease site;

9. Activities conducted and materials or equipment used shall not change the fire-safety or occupancy classifications of the premises, nor use utilities in amounts greater than normally provided for school use;

10. No use shall cause noise, dust, vibration, offensive smell, smoke, glare or electrical interference, or other hazard or nuisance;

11. All uses must meet fire department standards for access, hydrant locations, and fire flow prior to occupancy, (Ord. 1016 - 1 (part), 1984: Ord. 941 - 1 (part), 1982: prior code - 9203.7(C))

NEIGHBORHOOD-COMMERCIAL (C-N) ZONE**Sections:**

- 17.38.010 Purpose and application.**
- 17.38.020 Property development standards.**

17.38.010 Purpose and application.

The C-N zone is intended to provide retail sales and personal services primarily for the convenience of surrounding residential areas. Neighborhood commercial uses should provide several types of merchandise, as opposed to a business offering a wide selection of a single type of merchandise. This zone will be applied to areas designated "neighborhood-commercial" on the general plan map. (Ord. 941 - 1 (part), 1982: prior code - 9203.8(A))

17.38.020 Property development standards.

The property development standards for the C-N zone are as follows:

- A. Maximum density: Twelve units per net acre (see Section 17.16.010).
- B. Yards: See Section 17.16.020.
- C. Maximum height: Thirty-five feet (see also Sections 17.16.020 and 17.16.040).
- D. Maximum coverage: Seventy-five percent (see also Section 17.16.030).
- E. Parking requirements: See Section 17.16.060.(Ord. 941 - 1 (part), 1982: prior code - 9203.8(B))

RETAIL-COMMERCIAL (C-R) ZONE**Sections:**

- 17.40.010 Purpose and application.**
- 17.40.020 Property development standards.**

17.40.010 Purpose and application.

The C-R zone is intended to provide for a wide range of retail sales, business, personal and professional services, as well as recreation, entertainment, transient lodging and permanent residences. Uses in this zone will generally be those serving community-wide and regional markets, as well as tourists and travelers. It will be applied to areas designated "retail-commercial" on the general plan map. (Ord. 941 - 1 (part), 1982: prior code - 9203.9(A))

17.40.020 Property development standards.

The property development standards for the C-R zone are as follows:

- A. Maximum density: Thirty-six units per net acre for all dwellings, including dwelling units in hotels and motels, but not including other hotel or motel units (see also Section 17.16.010).
- B. Maximum street and other yards: See Section 17.16.020.
- C. Maximum height: Forty-five feet (see also Section 17.16.020 and 17.16.040).
- D. Maximum coverage: One hundred percent.
- E. Parking requirements: See Section 17.16.060. (Ord. 1006 - 1 (part), 1984: Ord. 941 - 1 (part), 1982: prior code - 9203.9(B))

CENTRAL-COMMERCIAL (C-C) ZONE

Sections:

17.42.010 Purpose and application.

17.42.020 Property development standards.

17.42.010 Purpose and application.

The C-C zone is intended to provide for a wide range of retail sales and services meeting community-wide and regional market demands. It is intended to be applied within the central business district, in the area dominated by pedestrian trade, where the historical pattern of development limits building form and the availability of on-site parking. The zone is meant to maintain the desirable characteristics of this area and accommodate carefully integrated new development, while recognizing that the uses of structures within the district tend to change. (Ord. 941 - 1 (part), 1982: prior code - 9203.10(A))

17.42.020 Property development standards.

The property development standards for the C-C zone are as follows:

A. Maximum density: Thirty-six units per acre (see also Section 17.16.010).

B. Yards: See Section 17.16.020.

C. Maximum height: Fifty feet (see also Sections 17.16.020 and 17.16.040).

D. Maximum coverage: One hundred percent.

E. Other sections of this Title notwithstanding, the Parking Requirements in the C-C zone shall be as follows:

1. Restaurants, sandwich shops, take-out food, bars, taverns, night clubs, other food service or entertainment establishments, theaters, auditoriums, convention halls, and churches: one-half that required in Section 17.16.060 provided, however, that in no case the requirement shall exceed one space per 350 square feet gross floor area.

2. Dwellings, motels, hotels and bed and breakfast inns: One-half that required in Section 17.16.060.

3. All other uses: One space per 500 square feet gross

floor area.

4. In determining the total number of required spaces, all fractions shall be rounded to the nearest whole number. Fractions of .5 or greater shall be rounded to 1; fractions less than .5 shall be rounded to 0.

5. For existing buildings, only the parking needed for additions thereto or for changes in occupancy which increase parking requirement relative to prior uses, shall be required.

6. The parking space requirement may be met by:

a. Providing the required spaces on the site occupied by the use;

b. Providing the required spaces off-site, but within five hundred feet of the proposed use, in a lot owned or leased by the developer of the proposed use;

c. Participating in a commonly held and maintained off-site parking lot where other businesses maintain their required spaces;

d. Participating in a parking district which provides parking spaces through a fee or assessment program. (This subsection may be satisfied by participation of the underlying property in a parking district by January 1, 1988. If by that date the underlying property is not participating in such a district, the parking requirement shall be otherwise met);

e. Participating in an in-lieu fee program as may be established by the City Council. Any parking agreement approved prior to adoption of the parking standards contained in Sections E.1-3 above, may be adjusted to conform with those standards, subject to approval by the Community Development Director and City Attorney; or

f. Any combination of subsection E.4.a. through E.4.e of this section.

The community development department shall be notified of the expiration or termination of any agreement securing required parking. The department shall schedule a public hearing before the planning commission to consider revocation of the use authorization where no alternative location for required parking is provided. (Ord. 1101 - 2, 1987; Ord. 1074 - 2, 1986; Ord. 1050 - 1 (part), 1985; Ord. 1023 - 1 1984; Ord. 1006 - 1 (part), 1984; Ord. 1941 - 1 (part), 1982: prior code - 9203.10(B))

TOURIST-COMMERCIAL (C-T) ZONE

Sections:

- 17.44.010 Purpose and application**
- 17.44.020 Property development standards.**

17.44.010 Purpose and application

The C-T zone is intended primarily to provide accommodations and services for the traveling public and will be applied to areas designated "tourist-commercial" on the general plan map. (Ord. 941 - 1 (part), 1982: prior code - 9203.11(A))

17.44.020 Property development standards.

The property development standards for the C-T zone are as follows:

A. Maximum density: Twelve units per net acre, including dwelling units in hotels and motels, but not including other hotel or motel units (see also Section 17.16.010).

B. Yards: See Section 17.16.020.

C. Maximum coverage: Seventy-five percent (see also Section 17.16.030).

D. Maximum height: Forty-five feet (see also Sections 17.16.020 and 17.16.040).

E. Parking requirements: See Section 17.16.060. (Ord. 1006 - 1 (part). 1984: Ord. 941 - 1 (part), 1982: prior code - 9203.11(B))

SERVICE-COMMERCIAL (C-S) ZONE

Sections:

- 17.46.010 Purpose and application.**
- 17.46.020 Property development standards.**

17.46.010 Purpose and application.

The C-S zone is intended to provide for storage, transportation and wholesaling as well as certain retail sales and business services which may be less appropriate in the city's other commercial zones. It will be applied to areas designated "service-commercial/light industrial" on the general plan map, typically those areas with more public exposure along arterial streets than places reserved for manufacturing. (Ord. 941 - 1 (part), 1982: prior code - 9203.12(A))

17.46.020 Property development standards.

The property development standards for the C-S zone are as follows:

A. Yards. Minimum street yards shall be:

1. Where no building adjoins, five feet (requirement for parking lots and signs);

2. For buildings twenty feet and less in height, ten feet;

3. For buildings more than twenty feet in height, fifteen feet;

4. Other yards shall be as provided in the zone of any adjacent lot;

5. See also Section 17.16.020.

B. Maximum height: Thirty-five feet (see also Section 17.16.020 and 17.16.040).

C. Maximum coverage: Seventy-five percent (see also Section 17.16.030).

D. Parking requirements: See Section 17.16.060.

E. Off-street loading requirements:

**Gross Floor Area
of Building**

**Number of Spaces
Required**

1,000 to 9,999
10,000 to 29,999
30,000 to 99,999
100,000 and more

none
1
2
3

(See also Performance Standards, Chapter 17.18.) (Ord.
941 - 1 (part), 1982: prior code - 9203.12(B))

Chapter 17.48

MANUFACTURING (M) ZONE

Sections:

17.48.010 Purpose and application.

17.48.020 Property development standards.

17.48.010 Purpose and application.

The M zone is intended to provide for assembly and fabrication activities in addition to those permitted in the C-S zone, and for limited sales and services - primarily those not directly related to local consumers. This zone will be applied to areas designated "service-commercial/light industrial" on the general plan map, usually those served by, but with no frontage on, arterial streets. (Ord. 941 - 1 (part), 1982: prior code - 9203.13(A))

17.48.020 Property development standards.

The property development standards for the M zone are as follows:

A. Yards. Minimum street yards shall be:

1. Where no building adjoins, five feet (requirement for parking lots and signs);
2. For buildings twenty feet and less in height, ten feet;
3. For buildings more than twenty feet in height, fifteen feet;
4. Other yards shall be as provided in the zone of any adjacent lot;
5. See also Section 17.16.020.

B. Maximum height: Thirty-five feet (see also Sections 17.16.020 and 17.16.040).

C. Maximum coverage: Seventy-five percent (see also Section 17.16.030).

D. Parking requirements: See Section 17.16.060.

E. Off-street loading requirements:

Chapter 17.50

Gross Floor Area of Building	Number of Spaces Required
1,000 to 9,999	none
10,000 to 29,999	1
30,000 to 99,999	2
100,000 and more	3

PLANNED DEVELOPMENT (PD) ZONE

Sections:

17.50.010 Purpose and application.

17.50.020 Allowed uses.

17.50.030 Property development standards.

(See also Performance Standards, Chapter 17.18.) (Ord. 1085 - 1 Ex. A(part), 1987; Ord. 941 - 1 (part), 1982: prior code - 9203.13(B))

17.50.010 Purpose and application.

The planned development zone is intended to encourage imaginative development and effective use of sites. It does this by allowing more variation in project design than normal standards would allow. Such variation from normal standards should provide benefits to the project occupants or to the community as a whole which could not be provided under conventional regulations. PD rezoning must occur simultaneously with approval of a specific project. In the C-C zone, the PD zone may be applied to any parcel. In all other zones, the PD zone may be applied to any parcel or contiguous parcels of at least one acre. (Ord. 1129 - 1 (part), 1988; Ord. 941 - 1 (part), 1982: prior code - 9203.14(A))

17.50.020 Allowed uses.

Any use or combination of uses which conform with the general plan may be established in the PD zone. (Ord. 941 - 1 (part), 1982: prior code - 9203.14(B))

17.50.030 Property development standards.

A. Residential densities may exceed those allowed in the underlying zone by not more than twenty-five percent. (In order to approve a development which exceeds the density otherwise allowed, the planning commission and council must make certain findings as required by Section 17.62.040B.)

B. Under an approved development plan, lot size and configuration, yards, height, coverage and parking may be specified for the project without conformance to the standards of the underlying zone.

C. For procedures and performance criteria, see Chapter 17.62.(Ord. 941 - 1 (part), 1982: prior code - 9203.14(C))

SPECIFIC PLAN (SP) OVERLAY ZONE**Sections:**

- 17.52.010 Purpose and application.**
- 17.52.020 Allowed uses.**
- 17.52.030 Property development standards.**

17.52.010 Purpose and application.

The SP zone is intended to translate the provisions of an adopted specific plan into regulations for the subsequent development of land. It will be applied to areas for which a specific plan has been adopted or where the general plan calls for a specific plan prior to development, generally within residential expansion areas. (Ord. 941 - 1 (part), 1982: prior code - 9203.15(A))

17.52.020 Allowed uses.

Prior to adoption of a specific plan, areas in the SP zone may be used in conformance with the provisions of the C/OS zone. Once a specific plan has been adopted, uses shall be as provided in the specific plan. (Ord. 941 - 1 (part), 1982: prior code - 9203.15(B))

17.52.030 Property development standards.

A. Residential density shall be as provided in the specific plan.

B. Height, yards, coverage and parking shall be as provided in the specific plan. If the specific plan does not contain explicit provisions on these items, they shall be provided in the underlying zone.

C. Other development features explicitly contained in the specific plan, such as landscaping, building siting and form, and circulation, shall be as provided in the specific plan. (Ord. 941 - 1 (part), 1982: prior code - 9203.15(C))

HISTORICAL PRESERVATION (H) ZONE**Sections:**

- 17.54.010 Purpose and Application**
- 17.54.020 Allowed Uses**
- 17.54.030 Property Development Standards**

17.54.010 Purpose and application.

A. The H zone identifies parcels, areas or structures that (1) are architecturally or historically important, and (2) may be eligible for benefits offered through the city's Historical Preservation Program.

B. The H zone may be applied to areas with any of the following characteristics:

1. The property is within an area where buildings with pre-1941 architectural styles create a recognizable character.
2. The property or area contains structures which (a) are good or excellent examples of pre-1941 architecture, or (b) were designed by eminent architects or designers, or (c) are community architectural landmarks.
3. The property or area contains structures that are included in the city's Master List of Historical Resources.
4. The property, area or structure was owned or occupied by someone who had a significant role in the history of the city, region, state or nation. (Ord. 1086 - 1 Ex. A(part), 1987)

17.54.020 Allowed uses.

Uses shall be as provided in the underlying zone. (Ord. 1086 - 1 Ex. A (part), 1987)

17.54.030 Property development standards.

Property Development Standards shall be as established by the underlying zone. (Ord. 1086 - 1 Ex. A (part), 1987)

FIGURE #1

HISTORICAL PRESERVATION DISTRICTS

— DISTRICT BOUNDARY



EXHIBIT A

Chapter 17.55

MIXED-USE (MU) ZONE

Sections:

17.55.010 Purpose

17.55.020 Application and procedure

17.55.030 Property development standards

17.55.040 Mandatory findings

17.55.010 Purpose

The MU zone, in combination with any other zone, permits combining uses on a site which otherwise would not be allowed or required.

The primary purpose of the MU zone is to permit combining residential uses and commercial uses on a single parcel, although any combination of uses may be approved by the City. The MU zone is intended to promote a compact city, to provide additional housing opportunities (including affordable housing opportunities), which is the first priority, and to reduce auto travel by providing services, jobs, and housing in proximity. The City desires the safety provided by having residential components in commercial areas.

17.55.020 Application and procedure

A. Application of the MU zone may be initiated by:

(1) The City Council or Planning Commission, to ensure that mixed residential and commercial uses will be included when certain parcels are developed or redeveloped; or

(2) An applicant, to obtain permission for a mix of uses not otherwise allowed.

B. Each ordinance adopting an MU zone shall specify:

(1) The types of uses which are required or allowed to be combined;

(2) Any standards for the uses' locations or their relationships to each other;

(3) Any issues specific to the site or the intended combination of uses which must be resolved by the design of the project.

C. Use permit approval by the Planning Commission is required prior to establishing any use within the MU zone, except that this provision does not apply to changes of use within an existing building. The use permit requirement allows the Planning Commission to determine proposed uses' compliance with the MU zone, compatibility with each other and their surroundings, and consistency with the general plan.

17.55.030 Property development standards

Property development standards shall be those of the underlying zone. However, use-permit approval may include more provisions and standards to assure compatibility of uses and surroundings, or less restrictive standards, to the extent allowed by use-permit approval in other sections of these regulations, to make particular use combinations more feasible.

17.55.040 Mandatory findings

A. In granting a use permit pursuant to this chapter, the Planning Commission must make the following findings:

(1) The project's mixed uses are consistent with the general plan and are compatible with their surroundings, with neighboring uses, and with each other.

(2) The project's design protects the public health, safety, and welfare.

(3) The mixed uses provide greater public benefits than single-use development of the site. This finding must enumerate those benefits, such as proximity of workplaces and housing, automobile trip reduction, provision of affordable housing, or other benefits consistent with the purpose of this chapter.

B. To require property development standards more restrictive than those of the underlying zone, the Planning Commission must make one of the following findings:

(1) Site-specific property development standards are needed to protect all proposed uses of the site, in particular residential uses.

(2) Site-specific property development standards are needed to make the project consistent with the intent of these regulations.

(3) The preponderance of the development proposed for the site is of a type not normally permitted in the underlying zone, so property development standards for the zone where such development is normally found are appropriate.

Chapter 17.56

SPECIAL CONSIDERATION (S) ZONE

Sections:

17.56.010 Purpose and application.

17.56.020 Allowed uses.

17.56.030 Property development standards.

17.56.040 Procedure - Subdivisions - Waiver of use permit requirement when property subject to subdivision map application.

regulations. (Ord. 941 - 1 (part), 1982: prior code - 9203.17(C))

17.56.040 Procedure - Subdivisions - Waiver of use permit requirement when property subject to subdivision map application.

The planning commission or director may waive the requirement for a use permit when property proposed for development is the subject of a subdivision map application. (Ord. 941 - 1 (part), 1982: prior code - 9203.17(D))

17.56.010 Purpose and application.

The S zone has two purposes:

A. In combination with any zone, to require approval of a use permit by the planning commission before any use may be established. The use permit requirement is intended to assure compatibility of the use with its surroundings or conformance with the general plan, or to determine if a proposed development solves problems such as noise exposure, flood hazard, airport hazard, or slope instability which are particularly severe on a given site. Such development review may also be used to protect areas of scenic or ecological sensitivity, wildlife habitat, or wildland fire hazard.

The ordinance adopting the S zone will specify the considerations to be addressed, and the ordinance number will be incorporated in the official zone map designation:

B. In combination with any other zone, to require a larger minimum parcel size than required by the underlying zone. In such cases it will be designated on the zone map as, for example, R-1-S-3, which indicates a minimum parcel size of three acres. (Ord. 941 - 1 (part), 1982: prior code - 9203.17(A))

17.56.020 Allowed uses.

Subject to approval of a use permit by the planning commission, any allowed or conditionally allowed use in the underlying zone may be established. (Ord. 941 - 1 (part), 1982: prior code - 9203.17(B))

17.56.030 Property development standards.

As provided in Sections 17.58.020 through 17.58.080, the planning commission may establish conditions relating to improvements, building location, access, and so on, which are more restrictive than provided in the underlying zone, in order to fulfill the intent of these

Chapter 17.58

USE PERMITS

Sections:

17.58.010 Purpose and intent.

17.58.020 Application form.

17.58.030 Procedures.

17.58.040 Findings.

17.58.050 Conditions of approval.

17.58.060 Criteria for approval.

17.58.070 Requirement for and compliance with use permits.

17.58.010 Purpose and intent.

It is intended that use permits allow flexibility in providing for, regulating, or preventing various uses, so they will be compatible with existing or desired conditions in their neighborhoods. Use permit approval is required for certain uses so that their detrimental effects can be reduced or avoided and potential conflicts in land use can be prevented. This is necessary because of the wide variety of uses that are allowed within zone districts and because of the variety of existing sites and uses found in the community. (Ord. 941 - 1 (part), 1982: prior code - 9204.2(A))

17.58.020 Application form.

Application shall be made to the community development department in the form prescribed by the director, including, as may be necessary, site plans, written descriptions of activities to be conducted, technical studies of site characteristics, and so on. (Ord. 941 - (part), 1982: prior code - 9204.2(B))

17.58.030 Procedures.

A. Administrative Use Permit.

1. Before acting on any use permit application, the director shall hold a hearing at which information and arguments may be presented. Notice of the time, date, place and purpose of the hearing shall be given by posting the property and by publishing an advertisement in a newspaper of general circulation at least five days before the hearing.

2. Decisions of the director shall be rendered in writing within ten days of the hearing. They shall state the conditions of approval, if any, or the reasons for denial. The director's decision shall be final unless appealed.

3. At his or her discretion, the director may refer an administrative use permit to the planning commission, pursuant to the requirements in subsection B of this section, when he/she determines the application involves a major policy issue or public controversy that would be resolved more suitably by the commission.

B. Planning Commission Use Permits.

1. Before acting on any use permit application, the planning commission shall hold a public hearing conducted according to its bylaws. Notice of the time, date, place and purpose of the hearing shall be given by posting the property and publishing an advertisement in a newspaper of general circulation at least ten days before the hearing.

2. Decisions of the planning commission shall be rendered in writing within ten days of the hearing. They shall state the conditions of approval, if any, or the reasons for denial. The planning commission's decision shall be final unless appealed.

3. When a use permit or variance is before the planning commission, the commission may act to impose additional or relax any property development standards capable of being so altered under relevant sections of these regulations (see Chapters 17.16 and 17.60). The intent of this provision is to enable the commission to deal with various aspects of project design in a comprehensive way, without postponement of action on a project for separate hearings. Use permit and variance findings and procedures shall apply as provided in relevant sections of these regulations.

Public notice for use permit and variance applications, in order to fulfill the intent of this section, shall be sufficiently general so the public will be aware of the type of project proposed and the types of actions the commission may take, without further notice, to approve or conditionally approve the project.

Likewise, on appeal, the council may act to alter property development standards by variance or use permit if a variance or use permit application is under consideration, (Ord. 941 - 1 (part), 1982: prior code - 9204.2(C))

17.58.040 Findings.

In order to grant a use permit, the director or planning commission, or on appeal, the council, must find that the proposed use will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity. The director, planning commission or council may deny the proposal or attach conditions as deemed necessary to secure the purposes of

these regulations. Actions on use permits shall be justified by written findings, based on substantial evidence in view of the whole record. (Ord. 1124 - 1 Ex. A (part), 1988; Ord. 941 - 1 (part), 1982; prior code - 9204.2(D))

17.58.050 Conditions of approval.

Conditions imposed by the director, planning commission or council may include:

- A. Modification or limitation to activities, including times and types of operation;
- B. Special yards or open spaces;
- C. Fences, walls or landscape screens;
- D. Provision and arrangement of parking and vehicular and pedestrian circulation;
- E. On-site or off-site street, sidewalk or utility improvements and maintenance agreements;
- F. Noise generation and attenuation;
- G. Dedication of right-of-way or easements or access rights;
- H. Arrangement of buildings and use areas on the site;
- I. Special hazard reduction measures, such as slope planting;
- J. Minimum site area;
- K. Other conditions which may be found necessary to address unusual site conditions. (Ord. 941 - 1 (part), 1982; prior code - 9204.2(E))

17.58.060 Criteria for approval.

In deciding whether a proposal is acceptable at a given location, the director, planning commission and council shall consider whether the proposal could be established and maintained without jeopardy to persons or property within or adjacent to the proposed site and without damage to the resources of the site and its surroundings. Appropriate criteria may be found in the following sources, without limitation:

- A. General plan elements (such as land use, circulation, housing, noise, seismic safety, public safety, open space and conservation);
- B. Specific plans and special duties;

C. Standards and recommendations of agencies commenting on environmental documents for the proposal or for similar projects. (Ord. 941 - 1 (part), 1982; prior code - 9204.2(F))

17.58.070 Requirement for and compliance with use permits.

A. For any given development or proposed use, when more than one use permit - including more than one type of use permit - is required by individual sections of these regulations, only one use permit application need be filed and acted upon. If both an administrative use permit or permits and planning commission use permit or permits would simultaneously be required by separate sections, one planning commission use permit shall be processed to cover all requirements.

B. The modification or addition to a use requiring use-permit approval shall itself be subject to use-permit approval. The addition of an allowed use to a premises occupied by a conditionally allowed use shall require use-permit approval of the type required for the existing use. The director shall determine when such an addition or change is of such a minor or incidental nature that the intent of these regulations can be met without further use permit control.

C. Any conditions established pursuant to these regulations shall be met before the use is established, except that the director, planning commission, or on appeal, the council, may establish a schedule for certain conditions to be met after establishment of the use. Continuance of the use shall then be contingent on complying with the schedule for meeting deferred conditions.

D. If the use or structure authorized by use permit is not established within one year of the date of approval or such longer time as may be stipulated as a condition of approval, the use permit shall expire. Upon written request received prior to expiration, the director may grant renewals of use permit approval for successive periods of not more than one year each. Approvals of such renewals shall be in writing and for a specific period. Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the use permit was originally approved have substantially changed. Renewal of a use permit shall not require public notice or hearing, unless the renewal is subject to new or modified conditions. In order to approve a renewal, the director must make the findings required for initial approval. (Ord. 941 - 1 (part), 1982; prior code - 9204.2(G))

Chapter 17.60

VARIANCES

Sections:

- 17.60.010 Intent.**
- 17.60.020 Scope.**
- 17.60.030 Procedure.**
- 17.60.040 Findings.**
- 17.60.050 Expiration.**

17.60.010 Intent.

The variance procedure is intended to allow minor relaxation by the director of certain standards that would otherwise prevent a property from being used in the same manner as other, similar property, where the intent of these regulations is not compromised by such minor relaxation. (Ord. 941 - 1 (part), 1982: prior code - 9204.3(A))

17.60.020 Scope.

Yards, height limits, coverage and parking space requirements may be relaxed. No variance to use regulations or density standards may be granted. (Ord. 941 - 1 (part), 1982: prior code - 9204.3(B))

17.60.030 Procedure.

A. Application shall be in the form prescribed by the director, shall state the precise nature of the grounds for the variance sought, and shall generally follow the form established for use permits.

B. Notification requirements and actions of the director shall be as provided for administrative use permits in Section 17.58.030A. (See also Section 17.58.030B3. (Ord. 941 - 1 (part), 1982: prior code - 9204.3(C))

17.60.040 Findings.

In order to approve a variance, the director, planning commission or council must make each of the following findings:

A. That there are circumstances applying to the site, such as size, shape or topography, which do not apply generally to land in the vicinity with the same zoning;

B. That the variance will not constitute a grant of special privilege - an entitlement inconsistent with the limitations upon other properties in the vicinity with the same zoning;

C. That the variance will not adversely affect the health, safety or general welfare of persons residing or working on the site or in the vicinity. (Ord. 941 - 1 (part), 1982: prior code - 9204.3(D))

17.60.050 Expiration.

If the entitlement authorized by variance is not established within one year of the date of approval or such longer time as may be stipulated as a condition of approval, the variance shall expire. Upon written request received prior to expiration, the director may grant renewals of variance approval for successive periods of not more than one year each. Approvals of such renewals shall be in writing and for a specific period. Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the variance was originally approved have substantially changed. Renewal of a variance shall not require public notice or hearing, unless the renewal is subject to new or modified conditions. In order to approve a renewal, the director must make the findings required for initial approval. (Ord. 1006 - 1 (part), 1984: prior code - 9204.3(E))

Chapter 17.62

PLANNED DEVELOPMENT

Sections:

- 17.62.010 Preliminary development plan.
- 17.62.020 Actions of the planning commission.
- 17.62.030 Actions of the council.
- 17.62.040 Required findings.
- 17.62.050 Requirement for development plan.
- 17.62.060 Final development plan.
- 17.62.070 Phasing.
- 17.62.080 Amendment of final development plan.
- 17.62.090 Revocation of PD zoning.

17.62.010 Preliminary development plan.

Application for planned development shall be made to the community development department and shall consist of a preliminary development plan, to include:

- A. A legal description of the total site involved;
- B. A statement of the objectives to be achieved by the planned development through the particular approach to be used by the applicant;
- C. A schedule indicating the approximate dates when construction of the development or stages of the development are to be started and completed;
- D. A quantified description of the total number and type of dwelling units, parcel sizes, coverage, modified and natural open space, grading, residential densities, and areas devoted to nonresidential uses;
- E. A quantified description of the total number and type of dwelling units, parcel sizes, coverage, modified and natural open space, grading, residential densities, and areas devoted to nonresidential uses;
- F. Identification of portions of the development which would otherwise require a variance, and reason for the deviation from normal standards;
- G. A site plan and supporting maps, drawn to a suitable scale and clearly labeled, showing, if applicable:
 - 1. Existing site conditions, including contours, vegetation and water courses;
 - 2. Proposed lot designs;
 - 3. Location and floor area of existing and proposed

buildings or outlines of areas within which buildings may be located;

- 4. Location and size of all areas to be conveyed or reserved as common open spaces or for public or semi-public uses;
- 5. Existing and proposed circulation system of arterial, collector, and local streets; off-street parking, loading, and emergency access areas; points of access to public rights-of-way; proposed ownership of circulation routes;
- 6. Existing and proposed sidewalks and paths;
- 7. Existing and proposed utility systems, including sanitary sewer, storm drainage, water, electricity, gas and telephone;

8. A general landscape plan;

9. A general grading plan;

H. Information on land area adjacent to the proposed development, indicating important relationships between the proposal and surrounding land uses, circulation systems, public facilities and natural features;

I. Any additional information which may be required by the director to evaluate the character and impact of the planned development. (Ord. 941 - 1 (part), 1982: prior code - 9204.4(A))

17.62.020 Actions of the planning commission.

After giving notice as provided in Section 17.70.030, the planning commission shall hold a public hearing on the application. The planning commission may approve, approve subject to certain modifications, or deny the application. The decision of the planning commission shall be in the form of a recommendation to the council and shall be rendered in writing, stating all modifications or conditions to be reflected in the final development plan. (Ord. 941 - 1 (part), 1982: prior code - 9204.4(B))

17.62.030 Actions of the council.

After giving notice as provided in Section 17.70.030, the council shall hold a public hearing on the application and the recommendations of the planning commission. The council may approve, approve subject to certain modifications, or deny the proposal. The decision of the council shall be rendered in writing, stating all modifications or conditions to be reflected in the final development plan. If it approves or conditionally approves the preliminary development plan, the council

shall approve the rezoning and the official zone map shall be amended to indicate approval of the planned development. (Ord. 941 - 1 (part), 1982: prior code - 9204.4(C))

17.62.040 Required findings.

A. To approve a planned development, the planning commission and council must find that it meets one or more of the following criteria;

1. It provides facilities or amenities suited to a particular occupancy group (such as the elderly or families with children) which would not be feasible under conventional zoning;
2. It transfers allowable development, within a site, from areas of greater environmental sensitivity or hazard to areas of less sensitivity or hazard;
3. It provides more affordable housing than would be possible with conventional development;
4. Features of the particular design achieve the intent of conventional standards (privacy, usable open space, adequate parking, compatibility with neighborhood character, and so on) as well as or better than the standards themselves;
5. It incorporates features which result in consumption of less materials, energy or water than conventional development;
6. The proposed project provides exceptional public benefits such as parking, open space, landscaping, public art, and other special amenities which would not be feasible under conventional development standards.

B. In order to grant a "density bonus" (as explained in Section 17.50.030), the commission and council must find that the proposed development satisfies at least three of the five criteria set out in subsection A of this section. The applicant shall provide a detailed statement indicating how the development satisfies the appropriate criteria set out in subsection A of this section. The maximum density bonus is not automatic. In determining the allowable bonus, the commission and council shall assess the extent to which these criteria are met.

C. To approve a planned development allowing large professional office buildings which can include multiple tenants but with no single tenant space less than 2,500 square feet in the CS or M Zone, the planning commission or council must find that it meets each of the criteria listed below. The following office-related uses are prohibited in the PD in these zones: banks, real

estate offices, financial institutions, medical clinics and doctors' offices, and lawyers' offices.

1. The project will be compatible with existing and allowed land uses in the area.
2. The project's location or access arrangements do not significantly direct traffic to use local or collector streets in residential areas.
3. The project will provide adequate mitigation to address potential impacts related to noise, light and glare, and loss of privacy, among others, imposed by commercial activities on nearby residential areas, by using methods such as setbacks, landscaping, berming, and fencing.
4. The project does not preclude industrial or service commercial uses in areas especially suited for such uses when compared with offices.

5. The project does not create a shortage of C-S and M zoned land available for service commercial or industrial development. (Ord. 1129 - 1 (part), 1988; Ord. 1087 - 1 Ex. A(2), 1987; Ord. 941 - 1 (part), 1982: prior code - 9204.4(D))

17.62.050 Requirement for development plan.

No land division may be undertaken and no construction begun within an area zoned PD until a final development plan has been approved. (Ord. 941 - 1 (part), 1982: prior code - 9204.4(E))

17.62.060 Final development plan.

A. Within six months of approval or conditional approval of the preliminary development plan, the applicant shall file with the community development department a final development plan. At his discretion and for good cause, the director may extend for six months the period for filing.

B. The final development plan shall include those items from Section 17.62.010 (Preliminary development plan) which describe the proposal, including division of land, type and location of all buildings and improvements, and so on, but it need not include information on existing conditions.

C. The director shall review and take action on the final development plan within thirty days of filing. He shall approve it upon finding that it is in substantial compliance with the preliminary development plan as approved or modified by the council. Upon approval of the final development plan, the director shall add the number of the planned development to the official zone

map (for example, PD (9999)). Subsequently, all grading, construction and landscaping shall comply with the approved final development plan.

D. The final development plan may consist of final subdivision maps, building construction plans, grading plans, and so on, but would normally be submitted in the course of development, and need not be a separate submittal. The director shall determine the extent to which any additional documentation of development plans is required. (Ord. 941 - 1 (part), 1982: prior code - 9204.4(F))

17.62.070 Phasing.

If the construction of the planned development is to occur in phases, the open space and common facilities shall be developed and made available in proportion to the number of dwelling units or nonresidential floor area occupied during any given stage. At no time during construction of the project shall the density of developed land exceed the overall density established in the final development plan. (Ord. 941 - 1 (part), 1982: prior code - 9204.4(G))

17.62.080 Amendment of final development plan.

A. Minor differences between the approved development plan and construction plans may be allowed by the director.

B. Written requests for amendments to a final development plan may be approved by the planning commission after a public hearing, notice of which has been given as provided in Section 17.70.030. Amendments shall be limited to changes in the size and position of buildings; the number, area or configuration of lots; landscape treatment; phasing, and the like.

C. Amendments may not include changes in proposed use, overall density, or overall configuration of the land uses and circulation features. Changes to these aspects may be accomplished only by reapplication and submittal of a new preliminary development plan.

D. These procedures apply whether or not all or part of the development has been built. (Ord. 941 - 1 (part), 1982: prior code - 9204.4(H))

17.62.090 Revocation of PD zoning.

If a final development plan is not carried out in the time specified in the development plan or within an approved extension period, the planning commission and council may remove the PD designation according to the usual procedure for city-initiated rezoning. (Ord. 941 - 1 (part), 1982: prior code - 9204.4(I))

Chapter 17.64

REPEAT APPLICATIONS

Sections:

17.64.010 Waiting period of one year required when-Exceptions.

17.64.010 Waiting period of one year required when-Exceptions.

A. When any application made pursuant to these regulations has been denied, no new application which is substantially the same shall be filed within one year of the date of the previous denial unless the planning commission, for good cause, shall grant permission to do so, or the council or planning commission shall initiate such application.

B. The director shall determine when an application is substantially the same as a previous application, subject to the appeal procedures of Chapter 17.66. (Ord. 941 - 1 (part), 1982: prior code - 9204.9)

APPEALS

Sections:

- 17.66.010 Standing to appeal.
- 17.66.020 Time limits.
- 17.66.030 Course of appeals.
- 17.66.040 Content of appeals.
- 17.66.050 Hearings and notice.

17.66.010 Standing to appeal.

Any person may appeal a decision of any official body, except that administrative decisions requiring no discretionary judgment, as provided in Chapter 1.20, may not be appealed. (Ord. 941 - 1 (part), 1982: prior code - 9204.8(A))

17.66.020 Time limits.

Appeals must be filed within ten calendar days of the rendering of a decision which is being appealed. If the tenth day is a Saturday, Sunday or holiday, the appeal period shall extend to the next business day. (Ord. 941 - 1 (part), 1982: prior code - 9204.8(B))

17.66.030 Course of appeals.

A. Decisions of the director shall be appealed to the planning commission. Such appeals shall be filed with the director.

B. Decisions of the planning commission shall be appealed to the council. Such appeals shall be filed with the city clerk. (Ord. 941 - 1 (part), 1982: prior code - 9204.8(C))

17.66.040 Content of appeals.

The appeal shall concern a specific action and shall state the grounds for appeal. (Ord. 941 - 1 (part), 1982: prior code - 9204.8(D))

17.66.050 Hearings and notice.

A. Action on appeals shall be considered at the same type of hearing and after the same notice that is required for the original decision.

B. Once an appeal has been filed, it shall be scheduled for the earliest available meeting, considering public notice requirements, unless the appellant agrees to a later date. (Ord. 941 - 1 (part), 1982: prior code - 9204.8(E))

FEES

Sections:

- 17.68.010 Establishment authority.

- 17.68.010 Establishment authority.

The council may, by resolution, establish fees for applications and procedures required by these regulations, to the extent such fees have a reasonable relationship to the costs incurred in processing the applications and providing public notice. (Ord. 941 - 1 (part), 1982: prior code - 9204.10)

Chapter 17.70
AMENDMENTS

Sections:

- 17.70.010 Scope.**
- 17.70.020 Initiation.**
- 17.70.030 Planning commission action.**
- 17.70.040 Council action.**
- 17.70.050 Annexation and prezoning.**
- 17.70.060 Other requirements.**

17.70.010 Scope.

An amendment to these regulations which changes any property from one zone to another shall be adopted as set forth in Sections 17.70.020 through 17.70.060. Any other amendment to these regulations may be adopted as other ordinances and amendments to the municipal code are adopted. (Ord. 941 - 1 (part), 1982: prior code - 9204.7(A))

17.70.020 Initiation.

An amendment to these regulations may be initiated by:

- A. A resolution of intention of the planning commission;
- B. A resolution of intention of the council; or
- C. An application by any other person or agency in the form prescribed by the director. (Ord. 941 - 1 (part), 1982: prior code - 9204.7(B))

17.70.030 Planning commission action.

A. Before taking any action on a proposed zone change, the planning commission shall hold a public hearing. Notice of the time, date, place and purpose of the hearing shall be given in each of the following ways at least ten calendar days before the hearing:

1. Publication in a newspaper of general circulation within the city;
2. Posting each street frontage of the property to be rezoned, or the nearest street access if the property does not abut a dedicated street;
3. First-class mail to owners of the property to be rezoned and of property within a radius of three hundred feet, as listed in the most recent annual revision of the county assessor's roll.

B. Failure to post or notify by mail shall not invalidate any amendments duly adopted.

C. If the planning commission approves a rezoning or denies a council-initiated rezoning, its action shall be a written recommendation to the council, including any findings required for approval.

D. If the planning commission denies a rezoning which it or a private party has initiated, the action shall be final unless appealed. It shall be rendered in writing and shall state the reasons for denial. (Ord. 941 - 1 (part), 1982: prior code - 9204.7(C))

17.70.040 Council action.

Before taking action on a recommendation of the planning commission, the council shall hold a public hearing for which notice shall be given as provided in Section 17.70.030. (Ord. 941 - 1 (part), 1982: prior code - 9204.7(D))

17.70.050 Annexation and prezoning.

Any area annexed to the city shall be prezoned consist with the general plan or classified C/OS until rezoned after annexation. (Ord. 941 - 1 (part), 1982: prior code - 9204.7(E))

17.70.060 Other requirements.

Procedures for prezoning and adoption of urgency interim regulations shall be as provided in the California Government Code. Requirements for the scheduling of zoning hearings in relation to general plan amendments, reports from the planning commission to the council upon referral, and all other matters not prescribed in greater detail in these regulations shall be as provided in the Government Code. (Ord. 941 - 1 (part), 1982: prior code - 9204.7(F))

Chapter 17.72

ENFORCEMENT

Sections:

17.72.010 Delegation of authority.

17.72.020 Violations.

17.72.010 Delegation of authority.

The director shall be responsible for enforcing these regulations and shall issue no permit in conflict with them. Any such permit issued shall be void. (Ord. 941 - 1 (part), 1982: prior code - 9204.6(A))

17.72.020 Violations.

A. General Regulations and Requirements. The director shall enforce these regulations in accordance with provisions of this code and any other procedures as may be adopted by resolution of the council.

B. Revocation of Use Permits, Variances and Home Occupation Permits.

1. A use permit or variance shall be automatically revoked if not used within one year, unless a longer period is specified in the approval, or unless an extension is granted.

2. All types of permits and variances may be revoked by the body which originally approved them, upon determining that any of the conditions have been violated. Procedures for revocation shall be as prescribed for issuance of the permit, including written notice to the permittee at least ten calendar days before the hearing. (Ord. 941 - 1 (part), 1982: prior code - 9204.6(B))

Chapter 17.93

HIGH OCCUPANCY RESIDENTIAL USE REGULATIONS

Sections:

- 17.93.010 Purpose
- 17.93.020 Definition
- 17.93.030 General Requirements
- 17.93.040 Performance Standards
- 17.93.050 Administration
- 17.93.060 Periodic Review, Enforcement and Violations

17.93.010 Purpose

A. This chapter is intended to promote the quality of life in low density and medium density residential neighborhoods by ensuring that dwellings provide adequate support facilities.

17.93.020 Definitions

A. •High Occupancy Residential Use• is any dwelling, other than a *residential care facility* as defined in section 17.04.340 of this code, in the R-1 or R-2 zones when the occupancy of the dwelling consists of six or more adults.

B. •Adult• means a person 18 years of age and older.

C. •Tandem parking• means the arrangement of parking where no more than two cars are arranged in tandem, one in front of the other.

17.93.030 General requirements

A. Applicability. A high occupancy residential use is allowed in the R-1 and R-2 zones subject to the performance standards set forth in section 17.93.040, below.

B. Relation to zone standards. Where this chapter does not contain a particular type of standard or procedure, conventional zoning standards shall apply.

C. Nothing in this section prohibits applicants from requesting exceptions or variances from the strict interpretation of zoning regulations to the extent allowed by said regulations for any use.

17.93.040 Performance standards

A. Upon approval of an administrative use permit, as defined by Chapter 17.58, a high occupancy residential

use may be established with occupancy of six or more adults. The purpose of the use permit is to ensure compliance with the performance standards described below, and to ensure the compatibility of the use at particular locations.

1. The dwelling must contain a minimum 300 square feet of gross floor area, less garage area, per adult.

2. The parking requirement shall be the greater of: 1) The number of spaces required for dwellings as described in Section 17.16.060. OR one off-street parking space per adult occupant, less one.

3. The parking of one vehicle within a required street yard or setback is allowed. Parking in other yards is prohibited.

4. Each required parking space shall be of an all-weather surface.

5. Upon approval of the Community Development Director, parking may be provided in tandem.

6. There shall be a minimum of one bathroom provided for every three adult occupants.

7. The dwelling must meet all current building, health, safety and fire codes and have been built with all required permits.

17.93.050 Administration

A. Permit requirement. For high occupancy residential uses with six or more adult occupants, the applicant shall apply for and obtain an administrative use permit as defined by zoning regulations. The applicant shall submit and certify the following information as part of the application for an administrative use permit:

1. Address of dwelling.
2. A site plan which shows:
 - a. the entire boundary of the site as well as adjacent structures within 20 feet.
 - b. the number and location of off-street parking spaces.
 - c. the gross floor area of the dwelling in square feet.
 - d. the floor plan for the dwelling with the rooms clearly labeled.
3. The number of proposed adult occupants.
4. Owner's signature.
5. Any other information deemed necessary by the Community Development Director.

17.93.060 Periodic review and enforcement

A. Periodic Review. High occupancy residential uses shall be reviewed annually to insure compliance with the provisions of this section. The use permit shall be reviewed annually for compliance with this chapter. It shall be the responsibility of the property owner to initiate the review and pay applicable fees.

B. Violations. Violation of any of the provisions of this chapter shall be the basis for enforcement action by the city which may include revocation of a previously approved use permit.

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